# THE BOMBAY PROVINCIAL MUNICIPAL CORPORATIONS ACT, 1949.

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FORMS.

# BOMBAY ACT No. LIX OF 1949.[1]

[THE BOMBAY PROVINCIAL MUNICIPAL CORPORATIONS ACT, 1949.]

[*29th December 1949*]

Adapted and modified by the Adaptation of Laws Order, 1950.
Amended by Bom. 42 of 1950.
" " " 9 of 1951.
" " " 28 of 1951.
" " " 39 of 1951.
" " " 10 of 1953.*
" " " 18 of 1953.
" " " 57 of 1953.
" " " 8 of 1954.
" " " 19 of 1954.
" " " 45 of 1954.
" " " 58 of 1954.
" " " 34 of 1955.

**An Act to provide for the establishment of Municipal Corporations for certain cities in the Province of Bombay.**

WHEREAS it is expedient to provide for the establishment of municipal corporations in the cities of Ahmedabad and Poona and certain other cities with a view to ensure a better municipal government of the said cities; It is hereby enacted as follows :—

## CHAPTER I.

### PRELIMINARY.

Short title, extent and commencement.

1. (*1*) This Act may be called the Bombay Provincial Municipal Corporations Act, 1949.

(*2*) It extends to the whole of the [2][State] of Bombay.

(*3*) This section shall come into operation at once. The remaining provisions of the Act shall come into operation in the City of Ahmedabad and the City of Poona and such other cities (outside Greater Bombay) on such dates as the [3][State] Government may, by notification in the *Official Gazette* specify in respect of each city. On the respective dates the said provisions shall apply to places outside the said cities in the manner, to the extent and for the purposes expressly provided therein.

Definitions.

2. In this Act, unless there be something repugnant in the subject or context—

(*1*) "Appendix" means an Appendix to this Act;

(*2*) "appointed day" means with reference to any local area the day on which such area is constituted the City of Ahmedabad or the City of Poona or any other city, as the case may be, under section 3;

Bom. VII of 1925.

[4][(*2A*) "approved co-operative bank" means such co-operative bank registered, or deemed to be registered under the Bombay Co-operative Societies Act, 1925, as may be approved by the State Government by general or special order;]

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[1] For Statement of Objects and Reasons, *see Bombay Government Gazette*, 1949, Part V, page 597.
[2] This word was sub tituted for the word "Province" by the Adaptation of Laws Order, 1950.
[3] This word was substituted for the word "Provincial", *ibid.*
[4] Clause (*2A*) was inserted by Bom. 19 of 1954, s. 2.
*This Act shall be deemed to have come into force on the 20th day of November 1951 [*vide* s. 1 (*2*) of Bom. 10 of 1953].

(*3*) " bakery or bake-house " means any place in which bread, biscuits or confectionery are baked, cooked or prepared in any manner whatsoever for the purposes of sale or profit ;

(*4*) " budget grant " means the total sum entered on the expenditure side of a budget estimate under a major head as prescribed by rules and adopted by the Corporation and includes any sum by which such budget grant may be increased or reduced by a transfer from or to other heads in accordance with the provisions of this Act and rules ;

(*5*) " building " includes a house, out-house, stable, shed, hut and other enclosure or structure whether of masonry, bricks, wood, mud, metal or any other material whatever, whether used as a human dwelling or otherwise, and also includes verandahs, fixed platforms, plinths, doorsteps, walls including compound walls and fencing, and the like ;

(*6*) " by-law " means a by-law made under section 458 ;

(*7*) " cesspool " includes a settlement tank or other tank for the reception or disposal of foul matter from buildings ;

(*8*) " the City " means the City of Ahmedabad, the City of Poona, or any other local area constituted to be a City under section 3 ;

(*9*) " the Commissioner " means the Municipal Commissioner for the City appointed under section 36 and includes an acting Commissioner appointed under section 39 ;

(*10*) " the Corporation " means the Municipal Corporation of the City ;

(*11*) " councillor " means a person who is duly elected as a member of the Corporation under this Act ;

(*12*) " cubical contents " when used with reference to the measurement of a building means the space contained within the external surfaces of its walls and roof and the upper surface of the floor of its lowest storey or where the building consists of one storey only, the upper surface of its floor ;

(*13*) " dairy " includes any farm, cattle-shed, milk store, milk shop, or other place from which milk is supplied for sale or in which milk is kept for the purposes of sale or manufactured into butter, ghee, cheese, curds or dried or condensed milk for sale and, in the case of a dairyman who does not occupy any place for the sale of milk, includes the place where he keeps the vessels used by him for the sale of milk but does not include a shop or other place in which milk is sold for consumption on the premises only ;

(*14*) " dairyman " includes the keeper of a cow, buffalo, goat, ass or other animal, the milk, of which is offered or intended to be offered for sale for human consumption, and any purveyor of milk and any occupier of a dairy ;

(*15*) " dairy produce " includes milk, butter, ghee, curd, butter milk, cream, cheese and every product of milk ;

(*16*) " dangerous disease " means cholera, plague, small-pox or any other epidemic or infectious disease by which the life of human beings is endangered and which the Corporation may from time to time by public notice declare to be a dangerous disease ;

(*17*) " drain " includes a sewer, tunnel, pipe, ditch, gutter or channel and any cistern, flush-tank, septic tank or other device for carrying off or treating sewage, offensive matter, polluted water, sullage, waste water, rain water, or sub-soil water and any culvert, ventilation shaft or pipe or other appliance or fitting connected therewith, and any ejectors, compressed air mains, sealed sewage mains and special machinery or apparatus for raising, collecting, expelling or removing sewage or offensive matter from any place;

(*18*) " eating house " means any premises to which the public or any section of the public are admitted and where any kind of food is prepared or supplied for consumption on the premises or elsewhere for the profit or gain of any person owning or having an interest in or managing such premises;

(*19*) " essential services " means services in which any municipal officer, servant or other person is employed by or on behalf of the Corporation and which are specified in the rules;

LXIII of 1948. (*20*) " factory " means a factory as defined in the Indian Factories Act, 1948;

(*21*) " filth " includes sewage, nightsoil and all offensive matter;

(*22*) " food " includes every article used for food or drink by man other than drugs or water, and any article which ordinarily enters into or is used in the composition or preparation of human food, and also includes confectionery, flavouring and colouring matters and spices and condiments;

(*23*) " form " means a form appended to the rules;

(*24*) " frame building " means a building the external walls of which are constructed of timber framing or iron framing, and the stability of which depends on such framing;

(*25*) " goods " includes animals;

(*26*) " house-drain " means any drain of, and used for the drainage of, one or more buildings or premises and made merely for the purpose of communicating therefrom with a municipal drain;

(*27*) " house-gully " or " service passage " means a passage or strip of land constructed, set apart or utilised for the purpose of serving as a drain or of affording access to a privy, urinal, cesspool or other receptacle for filthy or polluted matter, to municipal servants or to persons employed in the cleansing thereof or in the removal of such matter therefrom;

(*28*) " hut " means any building which is constructed principally of wood, mud, leaves, grass, cloth or thatch and includes any temporary structure of whatever size or any small building of whatever material made which the Corporation may declare to be a hut for the purposes of this Act;

(*29*) " the Judge " means in the Cities of Ahmedabad and Poona the Judge of the Court of Small Causes, and in any other City the Civil Judge (Senior Division) having jurisdiction in the City;

(*30*) " land " includes land which is being built upon or is built upon or covered with water, benefits to arise out of land, things attached to the earth or permanently fastened to anything attached to the earth and rights created by legislative enactment over any street;

(*31*) " licensed plumber ", " licensed surveyor ", " licensed architect ", " licensed engineer ", " licensed structural designer " and " licensed clerk of works ", respectively, means a person licensed by the Corporation as a plumber, surveyor, architect, engineer, structural designer or a clerk of works under this Act;

(*32*) " lodging house " means a building or part of a building where lodging with or without board or other service is provided for a monetary consideration;

(*33*) " market " includes any place where persons assemble for the sale of, or for the purpose of exposing for sale, live-stock or food for live-stock or meat, fish, fruit, vegetables, animals intended for human food or any other articles of human food whatsoever with or without the consent of the owner of such place, notwithstanding that there may be no common regulation of the concourse of buyers and sellers and whether or not any control is exercised over the business of or the persons frequenting the market by the owner of the place or any other person;

(*34*) " masonry building " means any building other than a frame building or a hut and includes any structure a substantial part of which is made of masonry or of steel, iron or other metal;

(*35*) " municipal drain " means a drain vested in the Corporation;

(*36*) " municipal market " means a market vested in or managed by the Corporation;

(*37*) " municipal slaughter house " means a slaughter house vested in or managed by the Corporation;

(*38*) " municipal tax " means any impost levied under the provisions of this Act;

(*39*) " municipal water-works " means water-works belonging to or vesting in the Corporation;

(*40*) " nuisance " includes any act, omission, place or thing which causes or is likely to cause injury, danger, annoyance or offence to the sense of sight, smell or hearing or which is or may be dangerous to life or injurious to health or property;

(*41*) " occupier " includes—

(*a*) any person who for the time being is paying or is liable to pay to the owner the rent or any portion of the rent of the land or building in respect of which such rent is paid or is payable,

(*b*) an owner living in or otherwise using his land or building,

(*c*) a rent-free tenant,

(*d*) a licensee in occupation of any land or building, and

(*e*) any person who is liable to pay to the owner damages for the use and occupation of any land or building;

(*42*) " octroi " means a cess on the entry of goods into the limits of a city for consumption, use or sale therein;

(*43*) " offensive matter " includes animal carcasses, dung, dirt and putrid or putrifying substances other than sewage ;

(*44*) " official year " means the year commencing on the first day of April ;

(*45*) " owner " means—

(*a*) when used with reference to any premises, the person who receives the rent of the said premises, or who would be entitled to receive the rent thereof if the premises were let and includes—

(*i*) an agent or trustee who receives such rent on account of the owner,

(*ii*) an agent or trustee who receives the rent of, or is entrusted with or concerned for, any premises devoted to religious or charitable purposes,

(*iii*) a receiver, sequestrator or manager appointed by any Court of competent jurisdiction to have the charge of, or to exercise the rights of an owner of, the said premises ; and

(*iv*) a mortgagee-in-possession ; and

(*b*) when used with reference to any animal, vehicle or boat, includes the person for the time being in charge of the animal, vehicle or boat

(*46*) " premises " includes messuages, buildings and lands of any tenure whether open or enclosed, whether built on or not and whether public or private ;

(*47*) " private street " means a street which is not a public street ;

(*48*) " privy " means a place set apart for defecating or urinating or both, together with the structure comprising such place, the receptacle therein for human *excreta* and the fittings and apparatus, if any, connected therewith, and includes a closet of the dry type, an aqua privy, a latrine and a urinal ;

(*49*) " property tax " means a tax on buildings and lands in the City ;

(*50*) " public place " includes any public park or garden or any ground to which the public have or are permitted to have access ;

(*51*) " public securities " means—

(*a*) securities of the Central Government or any [1][State] Government,

(*b*) securities, stocks, debentures or shares the interest whereon has been guaranteed by the Central or the [1][State] Government,

(*c*) debentures or other securities for money issued by or on behalf of any local authority in exercise of the powers conferred by any enactment for the time being in force in any part of [2][the territory of India.]

(*d*) securities expressly authorized by any order which the [1][State] Government makes in this behalf ;

(*52*) " public street " means any street—

(*a*) heretofore levelled, paved, metalled, channelled, sewered or repaired out of municipal or other public funds ; or

(*b*) which under the provisions of section 224 is declared to be, or under any other provision of this Act becomes, a public street.

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[1] This word was substituted for the word " Provincial " by the Adaptation of Laws Order, 1950.
[2] This portion was substituted for the words " the Dominion of India ", *ibid.*

(*53*) " rack rent " means the amount of the annual rent for which the premises with reference to which the term is used might reasonably be expected to let from year to year as ascertained for the purpose of fixing the rateable value of such premises ;

(*54*) " rateable value " means the value of any building or land fixed in accordance with the provisions of this Act, and the rules for the purpose of assessment to property taxes ;

(*55*) " regulation " means a regulation made under section 465 ;

(*56*) (*a*) a person is deemed to " reside " in any dwelling which, or some portion of which he sometimes uses, whether interruptedly or not, as a sleeping apartment, and

(*b*) a person is not deemed to cease to " reside " in any such dwelling merely because he is absent from it or has elsewhere another dwelling in which he resides if there is the liberty of returning to it at any time and no abandonment of the intention of returning to it ;

(*57*) " rubbish " includes dust, ashes, borken bricks, mortar, broken glass, garden or stable refuse and refuse of any kind which is not offensive matter or sewage ;

(*58*) " rules " include rules in the Schedule and rules made under sections 454 and 456 ;

(*59*) " the Schedule " means the Schedule appended to this Act ;

[1][(*59A*) " scheduled bank " means a bank included in the Second Schedule to the Reserve Bank of India Act, 1934 ;] II of 1934.

(*60*) " sewage " means night-soil and other contents of water closets, latrines, privies, urinals, cesspools, or drains and polluted water from sinks, bath-rooms, stables, cattle-sheds and other like places, and includes trade effluent and discharges from manufactories of all kinds ;

(*61*) " special fund " means a fund constituted under section 91 ;

(*62*) " standing order " means an order made under section 466 ;

(*63*) " street " includes any highway, and any causeway, bridge, viaduct, arch, road, lane, footway, sub-way, court, alley or riding path or passage, whether a thoroughfare or not, over which the public have a right of passage or access or have passed and had access uninterruptedly for a period of twenty years, and, when there is a footway as well as a carriage way in any street, the said term includes both ;

(*64*) " sweetmeat shop " means any premises or part of any premises used for the manufacture, treatment or storage for sale, or for the sale, wholesale or retail, of any icecream, confections or sweetmeats whatsoever, for whomsoever intended, and by whatsoever name the same may be known, and whether the same be for consumption on or outside the premises ;

(*65*) " theatre tax " means a tax on amusements or entertainments ;

(*66*) " trade effluent " means any liquid either with or without particles of matter in suspension therein, which is wholly or in part produced in the course of any trade or industry carried on at trade premises, and in relation to any trade premises, means any such liquid as aforesaid which is so produced in the course of any trade or industry carried on at those premises, but does not include domestic sewage ;

[1] Clause (*59A*) was inserted by Bom. 10 of 1953, s. 2.

(*67*) "trade premises" means any premises used or intended to be used for carrying on any trade or industry;

(*68*) "trade refuse" means and includes the refuse of any trade, manufacture or business;

(*69*) "Transport Manager" means the Transport Manager of the Transport Undertaking appointed under section 40 and includes an acting Transport Manager appointed under section 41;

(*70*) "Transport Undertaking" means all undertakings acquired, organised, constructed, maintained, extended, managed or conducted by the Corporation for the purpose of providing mechanically propelled transport facilities for the conveyance of the public and includes all moveable and immovable property and rights vested or vesting in the Corporation for the purposes of every such undertaking,

(*71*) "vehicle" includes a carriage, cart, van, dray, truck, hand-cart, bicycle, tricycle, motor car, and every wheeled conveyance which is used or is capable of being used on a street;

(*72*) "water closet" means a closet which has a separate fixed receptacle connected to a drainage system and separate provision for flushing from a supply of clean water either by the operation of mechanism or by automatic action;

(*73*) "water-connection" includes—

(*a*) any tank, cistern, hydrant, stand-pipe, meter or tap situated on a private property and connected with water-main or pipe belonging to the Corporation; and

(*b*) the water-pipe connecting such tank, cistern, hydrant, stand-pipe, meter or tap with such water-main or pipe;

(*74*) "water-course" includes any river, stream, or channel whether natural or artificial;

(*75*) "water for domestic purposes" shall not include water for cattle, or for horses, or for washing vehicles, when the cattle, horses or vehicles are kept for sale or hire, or by a common carrier, and shall not include water for any trade, manufacture or business, or for building purposes, or for watering gardens, or for fountains or for any ornamental or mechanical purposes;

(*76*) "water-work" includes a lake, stream, spring, well, pump, reservoir, cistern, tank, duct, whether covered or open, sluice, mainpipe, culvert, engine, water truck, hydrant, stand-pipe, conduit, and machinery, land, building or thing for supplying or used for supplying water or for protecting sources of water supply.

Declaration of local area to be cities for purposes of the Act.

3. (*1*) For the purposes of this Act, the local areas within the limits specified by the [1][State] Government by notification in the *Official Gazette* shall constitute the City of Ahmedabad and the City of Poona respectively.

[1] This word was substituted for the word "Provincial" by the Adaptation of Laws Order, 1950.

(*2*) The [1][State] Government may from time to time by notification in the *Official Gazette* constitute any other local area lying within such limits as are specified in the notification to be a City.

(*3*) The [1][State] Government may also from time to time after consultation with the Corporation by notification in the *Official Gazette* alter the limits specified for any city under sub-section (*1*) or sub-section (*2*) so as to include therein, or to exclude therefrom, such area as is specified in the notification.

(*4*) The power to issue a notification under this section shall be subject to the condition of previous publication.

Inclusion of certain areas within limits of City of Poona.

[2][**3A.** Notwithstanding anything contained in section 3, the areas specified in the Schedule* to the Bombay Provincial Municipal Corporations (Amendment) Act, 1954, shall be deemed to have been included within the limits of the City of Poona from the 7th day of February 1951 and the City of Poona shall be deemed to have been so constituted from the said date within the meaning of sub-section (*1*) of section 3.] Bom. XIX of 1954.

## CHAPTER II.

### CONSTITUTION.

### *Municipal Authorities.*

Municipal authorities charged with execution of the Act.

**4.** (*1*) The municipal authorities charged with carrying out the provisions of this Act are for each City :—

(A) a Corporation ;

(B) a Standing Committee ;

(C) a Municipal Commissioner;

and, in the event of the Corporation establishing or acquiring a Transport Undertaking :

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[1] This word was substituted for the word "Provincial" by the Adaptation of Laws Order, 1950.
[2] Section 3A was inserted by Bom. 19 of 1954, s. 3.
* The schedule referred to in section 3A is as follows :—

*Schedule.*

| Name of the village. | Area or Survey Nos. included. |
|---|---|
| 1 | 2 |
| Ghorpadi .. | Survey Nos. 19, 34, 35B, 35A, 36A, 36B, 36C, 37, 38, 39, 40, 40A, 40B, 42B, 43, 43A, 47, 48, 46, 74A, 45, 45A, 74B.<br>2, 72, 71, 73, 49, 50, 69, 70A, 70B, 67B, 67A, 68, 51, 52, 53, 66, 66A, 65, 64, 61, 60A, 60B.<br>54, 11, 58B, 59, 62, 63, 13 earthern Bund.<br>58A, 57A, 56A, 55A, 55B, 56B, 57B. |
| Wanowrie .. | Survey Nos. 25, 24, Kabarastan, 83, 83A, 28, 27, 26, 22, 23, 82, 21, 27, 29, 30B, 30A, 79, 80, 31, 32, 33, 89, 93B, 93A/2, 93A/1, 91, 90, 33, 34B, 34A, 35, 36 (A to J), 16, 15, 37A, B, C, D, 48B, 38, 14, 11, 12, 13, 39, 40, 8, 9, 10, 1A, 1B, 2, 3, 4, 5, 6, 7, 41, 42, 43, 44, 45, 46, 47, 78, 87, 77, Gaothan, 52, 53, 51, 50, 48A, 49, 55, 64, 54, 76, 75, Chatri, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66A, 66B, 67, 68, 71, 72, 73, 74A, 74B, 70A/3, 70A/2, 70A/1, 70B, 84, 85, 92, 86, 69 and Kabarastan (88). |
| Mundhwa .. | Survey Nos. 80, 81, 82, 83, 84, 87, 85, 86, 77, 78, 79, 97. |

(D) a Transport Committee ;

(E) a Transport Manager.

(*2*) The duties imposed on the Corporation in respect of primary education shall be performed in accordance with the provisions of the Bombay Primary Education Act, 1947, and for the purposes of the said Act the Corporation shall be deemed to be an authorised municipality within the meaning of the said Act with power to control all approved schools within the City, and to appoint an Administrative Officer.

Bom. LXI of 1947.

**5.** (*1*) Every Corporation shall, by the name of " The Municipal Corporation of the City of.....", be a body corporate and have perpectual succession and a common seal and by such name may sue and be sued. Constitution of Corporation.

(*2*) Each Corporation shall consist of such number of councillors elected at ward elections as the [1][ State] Government may from time to time by notification in the *Official Gazette* fix.

(*3*) The [1][State] Government shall, from time to time, by notification in the *Official Gazette*, specify for each City the number and boundaries of the wards into which such City shall be divided for the purpose of the ward election of councillors and the number of councillors to be elected for each ward :

Provided that no notification issued under sub-section (*2*) or sub-section (*3*) shall have effect except for the general elections held not less than six months next after the date thereof and for subsequent elections :

Provided further that, for the purpose of two succeeding general elections held immediately after the appointed day, and for by-elections, if any, before the third general election, so held, the [1][State] Government shall, in any notification issued under sub-section (*3*), provide for the reservation for Harijans of such number of seats out of the seats allotted to specified wards as the [1][State] Government may deem fit having regard to the population of Harijans in the City.

[*Explanation.*—A Harijan means a person belonging to a Scheduled Caste as defined in clause (24) of article 366 of the Constitution and, until a notification is issued under clause (1) of article 341 of the Constitution, a person belonging to a Scheduled Caste as defined in the Government of India (Scheduled Castes) Order, 1936.]

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[1] This word was substituted for the word "Provincial" by the Adaptation of Laws Order, 1950.

Term of office of councillors after general elections.

**6.** (*1*) Councillors elected at general elections under this Act shall, subject to the provisions thereof, hold office for a term of four years which may be extended by the [1][State] Government by notification in the *Official Gazette* to a term not exceeding in the aggregate five years for reasons which shall be stated in the notification :

Provided that before such notification is published the [1][State] Government shall invite and consider objections, if any, from persons entitled to vote at an election under this Act.

(*2*) The term of office of such councillors shall be deemed to commence on the date of the first meeting called by the Commissioner under the provisions of the rules.

(*3*) The term of office of the outgoing councillors shall be deemed to extend to and expire with the day immediately preceding the date of such meeting.

Resignation of office by councillor.

**7.** Any councillor may resign his office at any time by notice in writing to the Commissioner and, on such notice being given, his office shall become vacant as from the date of the notice.

*Qualifications and disqualifications of voters and councillors.*

Qualifications of voters.

**8.** (*1*) Subject to the provisions of any other law for the time being in force and to the provisions of section 17, every person who—

(*a*) is a citizen of India ; [2]* * * *

(*b*) has attained the age of 21 years on the first day of January of the year for which the municipal election roll is being prepared ; and

(*c*) has the requisite residence, business premises or taxation qualification, shall be entitled to be enrolled in such roll as a voter of a ward :

Provided that no such person who has been adjudged by a competent Court to be of unsound mind shall be entitled to be enrolled in such roll.

(*2*) A person shall be deemed to have the requisite residence qualification or the requisite business premises qualification if he has ordinarily resided in a dwelling in the City or occupied business premises in the City, as the case may be, for a period of not less than one year immediately preceding the first day of January of the year for which such roll is being prepared :

Provided that a person who is an inmate or a patient in any prison, lunatic asylum, hospital, or any other similar institution, shall not, by reason thereof, be deemed to have resided in such institution for the purpose of this sub-section.

(*3*) A person shall be deemed to have the requisite taxation qualification if he owns in the City immovable property which is assessed on the first day of April next preceding the date of the publication of such roll to any of the property taxes.

(*4*) A person shall not be entitled to vote at a ward election unless he is enrolled in the municipal election roll at the time in operation for the ward for which the election is held.

*Explanations.*—[3]* * * * *

(*2*) "Business premises" means premises occupied for the purpose of the business, profession or trade of the person to be enrolled and the rateable value of which, determined in accordance with the provisions of this Act, is not less than rupees sixty or such smaller amount as may be prescribed by rules.

[3]* * * * *

[1] This word was substituted for the word "Provincial" by the Adaptation of Laws Order, 1950.
[2] The words "or the ruler or subject of an Acceding State" were omitted, *ibid.*
[3] Explanations (*1*) and (*3*) were omitted, *ibid.*

Qualification for election as councillor.

**9.** (*1*) Subject to the provisions of this Act, a person who is enrolled in the municipal election roll as a voter for a ward shall be qualified to be a councillor and to be elected either from such ward or from any other ward.

(*2*) Any person who ceases to be a councillor shall, if qualified under sub-section (*1*), be eligible for re-election as such.

Disqualification for being a councillor.

**10.** (*1*) Subject to the provisions of sections 13, 17 and 404, a person shall be disqualified for being elected and for being a councillor if such person—

(*a*) has been sentenced by any court to imprisonment or whipping for an offence involving moral turpitude and punishable with imprisonment for a term exceeding six months or to transportation, such sentence not having been subsequently reversed or quashed, or to death, such sentence having been subsequently commuted to transportation or imprisonment:

Provided that, on the expiry of such sentence, the disqualification incurred under this clause shall cease:

Provided further that the expiry of such sentence shall not entitle the person to continue as a councillor or to stand for election at any by-election held during the remainder of the current term of office of the councillors;

(*b*) is undischarged insolvent;

(*c*) holds the office of Commissioner or any other office or place of profit under the Corporation;

(*d*) is a licensed surveyor, architect or engineer, structural designer, clerk of works or plumber or a member of a firm of which any such licensed person is a member;

(*e*) holds any judicial office with jurisdiction within the limits of the City;

(*f*) subject to the provisions of sub-section (*2*), has directly or indirectly, by himself or his partner any share or interest in any contract or employment with, by or on behalf of the Corporation;

(*g*) having been elected a councillor is retained or employed in any professional capacity either personally or in the name of a firm in which he is a partner or whom he is engaged in a professional capacity in connection with any cause or proceeding in which the Corporation or the Commissioner or the Transport Manager is interested or concerned; or

(*h*) fails to pay any arrears of any kind due to the Corporation by him, otherwise than as a trustee, within three months after a special notice, in this behalf has been served on him by the Commissioner.

(*2*) A person shall not be deemed to have incurred disqualification under clause (*f*) of sub-section (*1*) by reason only of his—

(*a*) receiving a municipal pension;

(*b*) having any share or interest in—

(i) any lease, sale, exchange or purchase of land or same;

(ii) any agreement for the loan of money or any security for the payment of money only;

(iii) any newspaper in which any advertisement relating to the affairs of the Corporation is inserted;

(iv) any joint stock company or any society registered or deemed to be registered under the Bombay Co-operative Societies Act, 1925, which shall contract with or be employed by the Commissioner or the Transport Manager on behalf of the Corporation; Bom. VII of 1925.

(v) the occasional sale to the Commissioner or Transport Manager on behalf of the Corporation of any article in which he regularly trades to a value not exceeding in the aggregate in any one official year two thousand rupees; or

(vi) the occasional letting out on hire to the Corporation or in the hiring from the Corporation of any article for an amount not exceeding in the aggregate in any one official year five hundred rupees;

(*c*) occupying as a tenant for the purpose of residence any premises belonging to the Corporation; or

(*d*) receiving conveyance charges as a member of the Transport Committee.

Disabilities from continuing as councillor.

**11.** A councillor shall cease to hold office as such if at any time during his term of office he—

(*a*) becomes disqualified for being a councillor by reason of the provisions of section 10;

(*b*) absents himself during three successive months from the meetings of the Corporation, except from temporary illness or other cause to be approved by the Corporation;

(*c*) absents himself from, or is unable to attend, the meetings of the Corporation during six successive months from any cause whatever, whether approved by the Corporation or not; or

(*d*) acts as a councillor or as a member of any committee of the Corporation by voting on, or taking part in the discussion of, or asking any question concerning, any matter in which he has directly or indirectly by himself or his partner any such share or interest as is described in clause (*b*) of sub-section (2) of section 10 or in which he is professionally interested on behalf of a client, principal or other person.

Questions to disqualification to be determined by the Judge.

**12.** (*1*) If any doubt or dispute arises whether a councillor has ceased to hold office as such under section 11, such councillor or any other councillor may, and, at the request of the Corporation, the Commissioner shall, refer the question to the Judge.

(*2*) On a reference being made to the Judge under sub-section (*1*) such councillor shall not be deemed to be disqualified until the Judge after holding an inquiry in the manner provided by or under this Act determines that he has ceased to hold office.

Liability of councillors to removal.

**13.** (*1*) The Provincial Government may, on the recommendation of the Corporation supported by the vote of not less than three-fourths of the whole number of councillors, remove from office with effect from such date as may be specified in the order of removal any councillor elected under this Act, if it is satisfied that such councillor has been guilty of misconduct in the discharge of his duty or of any disgraceful conduct or has become incapable of performing his duties as a councillor:

Provided that no recommendation shall be made by the Corporation under this section unless the councillor to whom it relates has been given a reasonable opportunity of showing cause why such recommendation should not be made.

(2) A person who has been removed from office under sub-section (1) shall be disqualified for being elected and for being a councillor for a period of five years from the date of his removal, unless the Provincial Government relieves him of the disqualification by an order which it is hereby empowered to make.

*Election of Councillors.*

Elections.

14. Elections of councillors shall be held in accordance with the rules.

Casual vacancies how to be filled.

15. (1) In the event of non-acceptance of office by a person elected to be a councillor, or of the death, resignation, disqualification or removal of a councillor during his term of office, there shall be deemed to be a casual vacancy in the office, and such vacancy shall be filled as soon as conveniently may be, and, in any case, within three months of the date on which it is known that such vacancy has occurred, by the election of a person thereto, who shall hold office so long only as the councillor in whose place he is elected would have been entitled to hold it if the vacancy had not occurred:

Provided that no election shall be held for the filling of a casual vacancy if general elections are due to be held within six months of the occurrence of the vacancy.

(2) The provisions of section 18 shall apply to an election held for the filling of a casual vacancy.

Election petitions.

16. (1) If the qualification of any person declared to be elected a councillor is disputed, or if the validity of any election is questioned, whether by reason of the improper rejection by the Commissioner of a nomination or of the improper reception or refusal of a vote, or by reason of a material irregularity in the election proceedings, corrupt practice, or any other thing materially affecting the result of the election, any person enrolled in the municipal election roll may, at any time within ten days after the result of the election has been declared, submit an application to the Judge for the determination of the dispute or question.

(2) The Provincial Government may, if it has reason to believe that an election has not been a free election by reason of the large number of cases in which undue influence or bribery has been exercised or committed, by order in writing, authorise any officer to make an application to the Judge at any time within one month after the result of the election has been declared for a declaration that the election of the returned candidate or candidates is void.

(3) The Judge shall decide the applications made under sub-section (1) or (2) after holding an inquiry in the manner provided by or under this Act.

*Explanations* :—For the purposes of this section—

(1) " corrupt practice " means one of the following practices, namely :—

(a) any gift, offer or promise by a candidate or his agent or by any person with the connivance of a candidate or his agent of any gratification, pecuniary or otherwise, to any person whomsoever, with the object, directly or indirectly of inducing a person to stand or not to stand as, or to withdraw from being, a candidate at an election or a voter to vote or refrain from voting at an election or as a reward to a person for having so stood or not stood or for having withdrawn his candidature or a voter for having voted or refrained from voting;

(*b*) any direct or indirect interference or attempt to interfere on the part of a candidate or his agent or of any other person with the connivance of the candidate or his agent with the free exercise of any electoral right, including the use of threats of injury of any kind or the creation or attempt to create fear of divine displeasure or spiritual censure, but not including a declaration of public policy or a promise of public action or the mere exercise of a legal right without intent to interfere with a legal right;

(*c*) the procuring or abetting or attempting to procure by a candidate or his agent or by any other person with the connivance of a candidate or his agent, the application by a person for a voting paper in the name of any other person whether living or dead or in a fictitious name or by a person for a voting paper in his own name when, by reason of the fact that he has already voted in the same or some other ward, he is not entitled to vote;

(*d*) the removal of a voting paper from the polling station during polling hours by any person with the connivance of a candidate or his agent;

(*e*) the publication by a candidate or his agent or by any other person with the connivance of the candidate or his agent of any statement of fact which is false, and which he either believes to be false or does not believe to be true, in relation to the personal character or conduct of any candidate, being a statement reasonably calculated to prejudice the prospects of that candidate's election;

(*f*) any acts specified in paragraphs (*a*), (*b*), (*d*) and (*e*) when done by a person who is not a candidate or his agent or a person acting with the connivance of a candidate or his agent;

(*g*) the application by a person at an election for a voting paper in the name of any other person, whether living or dead, or in a fictitious name, or for a voting paper in his own name when, by reason of the fact that he has already voted in the same or another ward, he is not entitled to vote; or

(*h*) the receipt of, or agreement to receive, any gratification of the kind described in paragraph (*a*) as a motive or reward for doing or refraining from doing any of the acts therein specified;

(2) a corrupt practice shall not be deemed to have been committed in the interests of a returned candidate if the Judge is satisfied that it was of a trivial and limited character which did not affect the result of the election, that in all other respects the election was free from any corrupt practice on the part of the candidate or any of his agents, that it was committed without the sanction or connivance or contrary to the orders of the candidate or his agents and that the candidate and his agents took all reasonable means for preventing the commission of corrupt practices at the election.

Disqualification of voters for corrupt practice.

17. Any person who has been convicted of an offence under section 171E or 171F of the Indian Penal Code or has been disqualified from exercising any electoral right for a period of not less than five years on account of malpractices in connection with an election shall be disqualified for a period of five years from the date of such conviction or disqualification from voting at any ward election in the City.

XLV of 1860.

Procedure if election fails or is set aside.

18. (*1*) If at any general elections or an election held to fill a casual vacancy, no councillor is elected or an insufficient number of councillors are elected or the election of any or all of the councillors is set aside under this Act and there is no other candidate or candidates who can be deemed to be elected in his or their place, the Commissioner shall appoint another day for holding a fresh election and a fresh election shall be held accordingly.

(*2*) A councillor elected under this section shall be deemed to have been elected to fill a casual vacancy under section 15.

Mayor and Deputy Mayor.

19. (*1*) The Corporation shall at its first meeting after general elections and at its first meeting in the same month in each succeeding year elect from amongst the councillors one of its number to be the Mayor and another to be the Deputy Mayor.

(*2*) The Mayor and the Deputy Mayor shall hold office until a new Mayor and a new Deputy Mayor have been elected under sub-section (*1*) and, in a year in which general elections have been held, shall do so notwithstanding that they have not been returned as councillors on the results of the elections.

(*3*) A retiring Mayor or Deputy Mayor shall be eligible for re-election to either office.

(*4*) The Deputy Mayor may resign his office at any time by notice in writing to the Mayor and the Mayor may resign his office at any time by notice in writing to the Corporation.

(*5*) If any casual vacancy occurs in the office of Mayor or Deputy Mayor the Corporation shall, as soon as convenient after the occurrence of the vacancy, choose one of its number to fill the vacancy and every Mayor or Deputy Mayor so elected shall hold office so long only as the person in whose place he is appointed would have been entitled to hold it if the vacancy had not occurred.

*Standing Committee.*

Constitution of Standing Committee.

20. (*1*) The Standing Committee shall consist of twelve councillors.

(*2*) The Corporation shall at its first meeting after general elections appoint twelve persons out of its own body to be members of the Standing Committee.

(*3*) One-half of the members of the Standing Committee shall retire every succeeding year at noon on the first day of the month in which the first meeting of the Corporation mentioned in sub-section (*2*) was held:

Provided that all the members of the Standing Committee in office when general elections are held shall retire from office on the election of a new Committee under sub-section (*2*).

(*4*) The members who shall retire under sub-section (*3*) one year after their election under sub-section (*2*) shall be selected by lot at such time previous to the date for retirement specified in sub-section (*3*) and in such manner as the Chairman of the Standing Committee may determine, and in succeeding years the members who shall retire under this section shall be those who have been longest in office :

Provided that, in the case of a member who has been reappointed, the term of his office for the purposes of this sub-section shall be computed from the date of his reappointment.

(5) The Corporation shall at its meeting held in the month preceding the date of retirement specified in sub-section (3) appoint fresh members of the Standing Committee to fill the offices of those who are due to retire on the said date.

(6) Any councillor who ceases to be a member of the Standing Committee shall be eligible for reappointment.

Appointment of Chairman of Standing Committee.

21. (1) The Standing Committee shall at its first meeting after its appointment under sub-section (2) of section 20 and at its first meeting in the same month in each succeeding year appoint one of its own number to be the Chairman.

(2) The Chairman shall hold office until his successor has been appointed under sub-section (1) but shall be eligible for reappointment.

(3) Notwithstanding the provisions of sub-sections (1) and (2) the Chairman shall vacate office as soon as he ceases to be a member of the Committee.

(4) If any casual vacancy occurs in the office of the Chairman, the Standing Committee shall, as soon as conveniently may be after the occurrence of the vacancy, appoint one of its number to fill such vacancy and every Chairman so appointed shall continue in office so long only as the person in whose place he is appointed would have held it if such vacancy had not occurred.

Member of Standing Committee absenting himself from meetings to vacate seat.

22. Any member of the Standing Committee who absents himself during two successive months from the meetings of the Committee, except on account of temporary illness or other cause to be approved by the Committee, or absents himself from, or is unable to attend, the meetings of the Committee during four successive months from any cause whatever, whether approved by the Commitee or not, shall cease to be a member of the Standing Committee and his seat shall thereupon be vacant.

Casual vacancies in Standing Committee how to be filled.

23. In the event of non-acceptance of office by a councillor appointed to be a member of the Standing Committee or of the death or resignation of a member of the said Committee or of his becoming incapable of acting previous to the expiry of his term of office or of his seat becoming vacant under section 22 or on his ceasing to be a councillor, the vacancy shall be filled up, as soon as it conveniently may be, by the appointment of a person thereto, who shall hold office so long only as the member in whose place he is appointed would have been entitled to hold it, if the vacancy had not occurred.

Standing Committee may delegate powers to Special Committee or Sub-Committee.

24. (1) The Standing Committee may, from time to time, by a resolution carried by the vote of at least two-thirds of its members present at the meeting, delegate to any Special Committee appointed under section 30 any of its powers and duties in respect of any matter with which such Special Committee is competent to deal, or refer to any such Committee any such matter for disposal or report, and every such Special Committee shall conform to any instructions that may from time to time be given to it by the Standing Committee in this behalf:

Provided that every such resolution shall be reported by the Standing Committee to the Corporation as soon as possible, and the Corporation may at any time cancel such resolution.

(2) The Standing Committee may, subject to the rules, by a specific resolution in this behalf delegate any of its powers and duties to sub-committees consisting of such members of the Standing Committee not less in number than three as the Standing Committee thinks fit and every such sub-committee shall conform to any instructions that may from time to time be given to it by the Standing Committee.

*The Transport Committee.*

Appointment of Transport Committee.

25. (1) In the event of the Corporation acquiring or establishing a Transport Undertaking there shall be a Transport Committee consisting of nine members for the purpose of conducting the said undertaking in accordance with the provisions of this Act and subject to the conditions and limitations as are contained therein.

(2) The Corporation shall at its first meeting after a Transport Undertaking is acquired or established appoint eight members of the Transport Committee from among persons who in the opinion of the Corporation have had experience of, and shown capacity in, administration or transport or in engineering, industrial, commercial, financial or labour matters and who may or may not be councillors.

(3) A person shall be disqualified for being appointed, and for being, a member of the Transport Committee if, under the provisions of this Act or any other law for the time being in force, he would be disqualified for being elected as, and for being, a councillor.

(4) The Chairman of the Standing Committee shall be a member of the Transport Committee *ex-officio*.

(5) One-half of the members of the Transport Committee appointed by the Corporation shall retire in every second year on the first day of the month in which the meeting referred to in sub-section (2) was held.

(6) The members who shall retire two years after their appointment under sub-section (2) shall be selected by lot at such time previous to the first day of the month immediately preceding the date of their retirement and in such manner as the Chairman of the Transport Committee shall determine; thereafter the members of the Transport Committee who shall retire shall be the members who were longest in office:

Provided that in the case of a member who has been reappointed, the term of his office for the purpose of this sub-section shall be computed from the date of his reappointment.

(7) Vacancies caused by the retirement of members under sub-section (5) shall be filled by the appointment by the Corporation of duly qualified persons thereto at its ordinary meeting in the month immediately preceding the occurrence of the vacancies:

Provided that in a year in which general elections of councillors are held, such vacancies shall be filled by the Corporation at its first meeting after such elections if such meeting is due to be held within three months of the occurrence of the vacancies and, in such event, the members

who would under sub-section (5) have retired on the date specified therein shall continue to be in office until new members have been appointed under this sub-section.

(8) A retiring member shall be eligible for re-appointment.

(9) In the event of non-acceptance of office by any person appointed to be a member of the Transport Committee or of the death, resignation or disqualification of a member of the Committee or of his becoming incapable of acting, or of his office becoming vacant under the provisions of section 26, the vacancy shall be filled up, as soon as conveniently may be, by the appointment by the Corporation of a duly qualified person thereto, and such person shall hold office so long only as the person in whose place he is appointed would have held it if the vacancy had not occurred.

Disqualification of members of Transport Committee.

(1) Any person who, having been appointed a member of the Transport Committee,—

(a) becomes disqualified for being a member of the Committee under the provisions of sub-section (3) of section 25, or

(b) acts as a member of the Committee by voting or taking part in the discussion of or asking any question concerning any matter in which he has directly or indirectly, by himself or his partner, any such share or interest as is described in clause (b) of sub-section (2) of section 10 or in which he is professionally interested on behalf of a client, principal or other person, or

(c) absents himself during two successive months from the meetings of the Committee except from temporary illness or other cause to be approved by the Committee, or

(d) absents himself from or is unable to attend the meetings of the Committee during four successive months from any cause whatsoever, whether approved by the Committee or not,

shall cease to be a member of the Committee and his office shall thereupon become vacant.

(2) If any doubt or dispute arises whether a vacancy has occurred under sub-section (1) the Commissioner shall, at the request of the Corporation, refer the question to the Judge.

Chairman of Transport Committee.

27. (1) The Transport Committee shall at its first meeting after its appointment under sub-section (2) of section 25 and at its first meeting in the same month in each succeeding year appoint one of its number to be the Chairman.

(2) The Chairman shall hold office until his successor has been appointed under sub-section (1) but shall be eligible for reappointment.

(3) Notwithstanding the provisions of sub-sections (1) and (2) the Chairman shall vacate office as soon as he ceases to be a member of the Committee.

(4) In the event of the office of Chairman falling vacant previous to the expiry of his term the Committee shall, as soon as conveniently may be after the occurrence of the vacancy, appoint one of its number to fill such vacancy and the Chairman so appointed shall hold office so long only as the person in whose place he is appointed would have held it if such vacancy had not occurred.

Conveyance charges for attendance at meetings of Transport Committee.

28. The Chairman and members of the Transport Committee shall be paid such conveyance charges for attending meetings of the Committee as may be prescribed by rules.

Sub-committees of Transport Committee.

29. (*1*) The Transport Committee may from time to time appoint out of its own body sub-committees consisting of such number of persons as the Committee thinks fit.

(*2*) The Committee may by specific resolution carried by the vote of at least two-thirds of its number present at the meeting delegate any of its powers and duties to a sub-committee and may also by a like resolution define the sphere of business of such sub-committee.

(*3*) The Committee may refer to a sub-committee appointed under sub-section (*1*) for inquiry and report or for opinion any matter with which the Committee is competent to deal.

*Special and* Ad hoc *Committees.*

Special Committees of the Corporation.

30. (*1*) The Corporation may from time to time appoint out of its own body, Special Committees which shall conform to any instructions that the Corporation may from time to time give them.

(*2*) The Corporation may by a specific resolution passed by the vote of not less than two-thirds of the councillors present and voting at a meeting of the Corporation define the sphere of business of eacn Special Committee and direct that all matters and questions included in any such sphere shall in the first instance be placed before the appropriate Committee and shall be submitted to the Corporation with such Committee's recommendation; and the Corporation may also by a like resolution delegate any of its powers and duties to specified Special Committees.

(*3*) Every Special Committee shall appoint two of its number to be its Chairman and Deputy Chairman:

Provided that no councillor shall, at the same time, be the Chairman of more than one Special Committee.

(*4*) The Chairman and in his absence the Deputy Chairman and, in the absence of both, such other member as may be chosen by the members of the Special Committee present at a meeting thereof shall preside at the meeting.

(*5*) Any member of a Special Committee who absents himself during two successive months from the meetings of such Committee, except on account of temporary illness or other cause to be approved by such Committee, or absents himself from or is unable to attend the meetings of such Committee during four successive months from any cause whatever, whether approved by such Committee or not, shall cease to be a member of such Committee and his seat shall thereupon be vacant.

(*6*) All the proceedings of every Special Committee shall be subject to confirmation by the Corporation:

Provided that if, in delegating any of its powers or duties to a Special Committee under sub-section (*2*), the Corporation directs that the decision of such Committee shall be final, then so much of the proceedings of such Committee as relates to such powers or duties shall not be subject to confirmation by the Corporation, if such decision is supported by at least half the total number of members of such Committee:

Provided further that any Special Committee may by a resolution supported by at least half the whole number of members direct that

action be taken in accordance with the decision of such Committee without waiting for confirmation of its proceedings by the Corporation, where such confirmation is required, if such Committee considers that serious inconvenience would result from delay in taking such action; but if the Corporation does not subsequently confirm the proceedings of such Committee such steps as may still be practicable shall be taken without delay to carry out the orders of the Corporation.

(7) The Corporation may at any time dissolve or alter the constitution of a Special Committee.

(8) The constitution of Special Committees and the conduct of business at meetings of such Committees, the keeping of minutes and the submission of reports and other matters before such Committees shall be regulated by rules.

Appointment of *Ad hoc* Committees.

31. (1) The Corporation may from time to time appoint out of its own body such *ad hoc* Committees consisting of such number of councillors as it shall think fit, and may refer to such Committees for inquiry and report or for opinion, such special subjects relating to the purposes of this Act as it shall think fit, and direct that the report of any such Committee shall be submitted through the Standing Committee or a Special Committee constituted under section 30.

(2) An *ad hoc* Committee appointed under sub-section (1) may, with the previous sanction of the Corporation, co-opt not more than two persons who are not councillors but who in the opinion of the Committee possess special qualifications for serving thereon.

*Joint Committees.*

Joint transactions with other local authorities.

32. (1) The Corporation may from time to time join with a local authority or with a combination of local authorities—

(a) in appointing a joint committee out of their respective bodies for any purpose in which they are jointly interested, and in appointing a chairman of such committee;

(b) in delegating to any such committee power to frame terms binding on each such body as to the construction and future maintenance of any joint work, and any power which might be exercised by any of such bodies; and

(c) in framing and modifying rules for regulating the proceedings of any such committee in respect of the purpose for which the committee is appointed.

(2) Where the Corporation has requested the concurrence of any other local authority under the provisions of sub-section (1) in respect of any matter and such other local authority has refused to concur, the Provincial Government may pass such orders as it deems fit requiring the concurrence of such other local authority, not being a cantonment authority, in the matter aforesaid and such other local authority shall comply with such orders.

(3) If any difference of opinion arises between the Corporation and any other local authority which has joined the Corporation under this section, the matter shall be referred to the Provincial Government whose decision thereupon shall be final and binding:

Provided that, if the local authority concerned is a cantonment authority, any such decision shall not be binding unless it is confirmed by the Central Government.

(4) The Corporation may from time to time with the sanction of the Provincial Government enter into an agreement with a local authority or with a combination of local authorities for the levy of octroi or tolls by the Corporation on behalf of the bodies so agreeing and, in that event, the provisions of this Act shall apply in respect of such levy as if the area of the City were extended so as to include the area or areas subject to the control of such local authority or such combination of local authorities.

*Provisions regarding validity of proceedings.*

Vacancy in Corporation, etc. not to invalidate its proceedings.

33. No act or proceedings of the Corporation or of any committee or sub-committee appointed under this Act shall be questioned on account of any vacancy in its body.

Proceedings of Corporation, etc., not vitiated by disqualification, etc., of members thereof.

34. No disqualification of, or defect in, the election or appointment of any person acting as a councillor, as the Mayor or the Deputy Mayor or the presiding authority of the Corporation or as the Chairman or a member of any Committee or sub-committee appointed under this Act shall be deemed to vitiate any act or proceeding of the Corporation or of any such Committee or sub-committee, as the case may be, in which such person has taken part, provided the majority of the persons who were parties to such act or proceedings were entitled to act.

Proceedings of meetings to be good and valid until contrary is proved.

35. Until the contrary is proved, every meeting of the Corporation or of a Committee or sub-committee in respect of the proceedings whereof a minute has been made and signed in accordance with this Act or the rules shall be deemed to have been duly convened and held, and all the members of the meeting shall be deemed to have been duly qualified; and where the proceedings are proceedings of a Committee or sub-committee, such Committee or sub-committee shall be deemed to have been duly constituted and to have had power to deal with the matters referred to in the minute.

*The Municipal Commissioner.*

Appointment of the Commissioner.

36. (1) The Commissioner shall from time to time be appointed by the Provincial Government.

(2) The Commissioner shall in the first instance hold office for such period not exceeding three years as the Provincial Government may fix and his appointment may be renewed from time to time for a period not exceeding three years at a time.

(3) Notwithstanding the provisions of sub-section (2) the Commissioner may at any time, if he holds a lien on the service of the Crown, be recalled to such service after consultation with the Corporation and may further at any time be removed from office by the Provincial Government for incapacity, misconduct or neglect of duty and shall forthwith be so removed if at a meeting of the Corporation not less than five-eighths of the whole number of councillors vote in favour of a resolution requiring his removal.

Salary of Commissioner.

37. (*1*) The Commissioner shall receive from the Municipal Fund such monthly salary and allowances as the Provincial Government may from time to time after consultation with the Corporation determine:

Provided that the salary of the Commissioner shall not be altered to his disadvantage during the period for which his appointment has been made or renewed.

(*2*) The Commissioner shall devote his whole time and attention to the duties of his office as prescribed in this Act or in any other law for the time being in force and shall not engage in any other profession, trade or business whatsoever:

Provided that he may with the sanction of the Corporation serve on any committee constituted for the purpose of any local inquiry or for the furtherance of any object of local importance or interest.

(*3*) When a salaried servant of the Crown is appointed as the Commissioner such contribution to his pension, leave and other allowances as may be required by the conditions of his service under the Crown to be made by him or on his behalf shall be paid to the Provincial Government from the Municipal Fund.

Grant of leave of absence to Commissioner and leave allowance

38. (*1*) The Provincial Government may from time to time with the assent of the Standing Committee grant leave of absence to the Commissioner for such period as it thinks fit.

(*2*) The allowances to be paid to the Commissioner while absent on leave shall be of such amount, not exceeding his salary, as shall be fixed by the Provincial Government and shall, unless the Commissioner is a salaried servant of the Crown, be paid from the Municipal Fund:

Provided that, if the Commissioner is a salaried servant of the Crown, the amount of such allowance shall be regulated by the rules for the time being in force relating to the leave allowances of salaried servants of the Crown of his class.

Appointment and remuneration of acting Commissioner.

39. During the absence on leave or other temporary vacancy in the office of the Commissioner, the Provincial Government may appoint a person to act as the Commissioner and every person so appointed shall exercise the powers and perform the duties conferred and imposed by this Act or any other law for the time being in force on the Commissioner and shall be subject to all the liabilities, restrictions and conditions to which the Commissioner is liable and shall receive such monthly salary not exceeding the salary for the time being payable to the Commissioner as the Provincial Government shall determine.

*Transport Manager.*

Appointment of Transport Manager.

40. (*1*) In the event of the Corporation acquiring or establishing a Transport Undertaking the Corporation shall, subject to the approval of the Provincial Government, appoint a fit person to be the Transport Manager of the Transport Undertaking.

(*2*) The Transport Manager shall receive such monthly salary and allowances as the Corporation shall from time to time, with the approval of the Provincial Government, determine:

Provided that the salary of the Transport Manager shall not be altered to his disadvantage during his period of office.

Leave of Transport Manager.

**41.** (*1*) Leave of absence may be granted from time to time to the Transport Manager by the Transport Committee with the assent of the Corporation.

(*2*) The allowance to be paid to the Transport Manager whilst so absent on leave shall be of such amount, not exceeding the amount of his salary, as shall be fixed by the Corporation.

(*3*) During the absence on leave or other temporary vacancy in the office of the Transport Manager the Transport Committee, with the assent of the Corporation, may appoint a person to act as Transport Manager; every person so appointed shall exercise the powers and perform the duties conferred and imposed on the Transport Manager and shall be subject to the same liabilities, restrictions and conditions to which the Transport Manager is liable and shall receive such monthly salary, not exceeding the salary for the time being payable to the Transport Manager, as the Corporation shall determine.

*Disqualifications of the Commissioner.*

Commissioner not to be interested in any contract, etc., with Corporation.

**42.** (*1*) No person shall be qualified to be appointed or to be the Commissioner if he has, directly or indirectly, by himself or his partner, any share or interest in any contract with, by or on behalf of, the Corporation or in any employment with, by or on behalf of the Corporation other than as Commissioner.

(*2*) Any Commissioner who shall acquire, directly or indirectly, by himself or his partner, any share or interest in any such contract or employment as aforesaid shall cease to be Commissioner and his office shall become vacant.

(*3*) Nothing in this section shall apply to any such share or interest in any contract or employment with, by or on behalf of the Corporation as, under sub-clause (ii) or (iv) of clause (*b*) of sub-section (*2*) of section 10 it is permissible for a councillor to have without his being thereby disqualified for being a councillor.

## CHAPTER III.

### Proceedings of the Corporation, Standing Committee, Transport Committee and other bodies.

Proceedings of the Corporation, Standing Committee, etc.

**43.** (*1*) The meetings of the Corporation, the Standing Committee, the sub-committees of the Standing Committee, the Transport Committee, the sub-committees of the Transport Committee, Special Committees and *ad-hoc* Committees shall be held and the business before them shall be disposed of in the manner prescribed by rules.

(*2*) The Commissioner shall have the same right of being present at a meeting of the Corporation and of taking part in the discussions thereat as a councillor, and, with the permission of the presiding authority, may at any time make a statement or explanation of facts, but he shall not be at liberty to vote upon, or to make, any proposition at such meeting.

(*3*) The Corporation may require any of its officers to attend any meeting or meetings of the Corporation at which any matter dealt with by such officer in the course of his duties is being discussed; when any officer is thus required

to attend any such meeting, he may be called upon to make a statement or explanation of facts or supply such information in his possession relating to any matter dealt with by him as the Corporation may require.

(4) The Commissioner shall have the same right of being present at a meeting of the Standing Committee or of a sub-committee and of taking part in the discussions thereat as a member of the said committee, but he shall not be at liberty to vote upon, or make, any proposition at such meeting.

(5) The Commissioner and in his absence the Deputy or Assistant Commissioner authorised by the Commissioner in this behalf and the Transport Manager and in his absence any officer authorised by the Transport Manager in this behalf shall have the same right of being present at a meeting of the Transport Committee or of a sub-committee and of taking part in the discussion thereat as a member of the said committee, but shall not be at liberty to vote upon or make any proposition at such meeting.

Right to ask questions.

44. A councillor may, subject to the conditions prescribed by rules, ask questions on any matter relating to the administration of this Act or the municipal government of the City.

## CHAPTER IV.

### MUNICIPAL OFFICERS AND SERVANTS—THEIR APPOINTMENT AND CONDITIONS OF SERVICE.

### *City Engineer, Medical Officer of Health, Municipal Chief Auditor, Municipal Secretary, Deputy Municipal Commissioner and Assistant Municipal Commissioner.*

Appointment of City Engineer, etc.

45. (1) The Corporation shall from time to time appoint fit persons to be City Engineer, Medical Officer of Health, Municipal Chief Auditor and Municipal Secretary.

(2) The Corporation may from time to time with the approval of the Provincial Government create an appointment of Deputy Municipal Commissioner or an appointment of Assistant Municipal Commissioner or so many such appointments as it considers necessary, and may appoint a fit person or fit persons to such appointments.

(3) An officer appointed under this section shall have such qualifications as may be prescribed under the rules and shall receive such monthly salary and allowances as the Corporation may with the approval of the Provincial Government from time to time fix:

Provided that the salary of no officer shall be altered to his disadvantage during his period of office.

(4) Every appointment made under this section excepting an appointment of a Municipal Secretary shall be subject to confirmation by the Provincial Government and any officer whose appointment the Provincial Government refuses to confirm shall be removed from office forthwith.

(5) On the occurrence of a vacancy in any office specified in this section an appointment shall be made thereto by the Corporation within four months from the date on which the vacancy occurred or, in the event of the removal of an officer under sub-section (4), within thirty days of the receipt by the Corporation of the order of the Provincial Government.

(6) In default of an appointment being made by the Corporation under sub-section (5), the Provincial Government may appoint a fit person to fill the vacancy and such appointment shall for all purposes be deemed to have been made by the Corporation.

(7) Pending the settlement of an appointment under sub-section (1) or sub-section (5), the Corporation may appoint a person to fill the vacancy temporarily and may direct that the person so appointed shall receive such monthly salary and allowances not exceeding the maximum fixed under sub-section (3) for the time being as it thinks fit :

Provided that no such appointment shall extend beyond or be made after a lapse of six months from the date on which the vacancy occurs.

Powers and duties of City Engineer and Medical Officer of Health.

46. The City Engineer and the Medical Officer of Health shall perform such duties as they are directed by or under this Act to perform and such other duties as may be required of them by the Commissioner.

Powers and duties of Municipal Chief Auditor.

47. (1) The Municipal Chief Auditor shall—

(a) perform such duties as he is directed by or under this Act to perform and such other duties with regard to the audit of the accounts of the Municipal Fund as shall be required of him by the Corporation or by the Standing Committee and with regard to the audit of the accounts of the Transport Fund as shall be required of him by the Transport Committee ;

(b) prescribe, subject to such directions as the Standing Committee may from time to time give, the duties of the auditors and assistant auditors, clerks and servants immediately subordinate to him ; and

(c) subject to the orders of the Standing Committee, exercise supervision and control over the acts and proceedings of the said auditors, assistant auditors, clerks and servants and, subject to the regulations, dispose of all questions relating to the service, remuneration and privileges of the said auditors, assistant auditors, clerks and servants.

(2) The Municipal Chief Auditor shall not be eligible for further office under the Corporation after he has ceased to hold his office.

Powers and duties of Municipal Secretary.

48. The Municipal Secretary shall be the Secretary of the Corporation and also of the Standing Committee and shall—

(a) perform such duties as he is directed by or under this Act to perform and such other duties in and with regard to the Corporation and the Standing Committee as shall be required of him by those bodies respectively ;

(b) have the custody of all papers and documents connected with the proceedings of—

(i) the Corporation and any Committee appointed by the Corporation under section 30 or 31,

(ii) the Standing Committee and any sub-committee thereof ;

(c) prescribe, subject to such directions as the Standing Committee may from time to time give, the duties of the officers and servants immediately subordinate to him; and

(d) subject to the orders of the Standing Committee exercise supervision and control over the acts and proceedings of the said officers

and servants and, subject to the regulations, dispose of all questions relating to the service, remuneration and privileges of the said officers and servants.

Powers and duties of Deputy or Assistant Municipal Commissioner.

49. (*1*) A Deputy Municipal Commissioner or Assistant Municipal Commissioner shall, subject to the orders of the Commissioner, exercise such of the powers and perform such of the duties of the Commissioner as the Commissioner shall from time to time depute to him:

Provided that the Commissioner shall inform the Corporation of the powers and duties which he from time to time deputes to a Deputy Municipal Commissioner or Assistant Municipal Commissioner.

(*2*) All acts and things performed and done by a Deputy Municipal Commissioner or Assistant Municipal Commissioner during his tenure of office and by virtue thereof shall for all purposes be deemed to have been performed and done by the Commissioner.

Conditions of service of statutory officers of Corporation.

50. (*1*) The Transport Manager and all officers appointed under section 45 shall, subject to the provisions of sub-section (*2*), devote their whole time and attention to the duties of their respective offices and shall not engage in any other profession, trade or business whatsoever.

(*2*) The Corporation may, subject to the regulations, permit the Transport Manager or any other officer referred to in sub-section (*1*) to perform while on duty or during leave a specified service or series of services for a private person or body or for a public body, including a local authority or for the Government and to receive remuneration therefor.

(*3*) The Transport Manager or any other officer referred to in sub-section (*1*) shall be removable at any time from office for misconduct or for neglect of, or incapacity for, the duties of his office on the votes of not less than one half of the whole number of councillors.

(*4*) In all matters not otherwise provided for in this Act, the conditions of service of the Transport Manager and other officers specified in sub-section (*1*) shall be regulated by the regulations.

*Other Officers and Servants.*

Number, designations, grades, etc. of other municipal officers and servants.

51. (*1*) Subject to the provisions of sub-section (*4*), the Standing Committee shall from time to time determine the number, designations, grades, salaries, fees and allowances of auditors, assistant auditors, officers, clerks and servants to be immediately subordinate to the Municipal Chief Auditor and the Municipal Secretary respectively.

(*2*) The Commissioner shall, from time to time, prepare and bring before the Standing Committee a statement setting forth the number, designations and grades of the other officers and servants who should in his opinion be maintained, and the amount and nature of the salaries, fees and allowances which he proposes should be paid to each.

(3) The Standing Committee shall, subject to the provisions of sub-section (4), sanction such statement either as it stands or subject to such modifications as it deems expedient.

(4) No new permanent office with a minimum monthly salary, exclusive of allowances, of one hundred rupees or more shall be created without the sanction of the Corporation and no new office with a minimum monthly salary, exclusive of allowances, of five hundred rupees or more or with a maximum monthly salary, exclusive of allowances, of eight hundred rupees or more shall be created without the sanction of the Provincial Government.

(5) Nothing in this section shall be construed as affecting the right of the Corporation or of the Commissioner to make any temporary appointment which it or he is empowered to make under section 53.

*Explanation.*—An increase in the salary of any permanent office shall be deemed, for the purpose of sub-section (4), to be the creation of a new office if, by reason of such increase, the minimum monthly salary, exclusive of allowances, amounts to one hundred rupees or more or five hundred rupees or more, as the case may be, or the maximum monthly salary, exclusive of allowances, amounts to eight hundred rupees or more.

Restriction on employment of permanent officers and servants.

52. No permanent officer or servant shall be entertained in any department of the municipal administration unless he has been appointed under section 40 or 45, or his office and emoluments are covered by sub-section (1) of section 51 or are included in the statement sanctioned under sub-section (3) of section 51 and for the time being in force.

Power of appointment in whom to vest.

53. (1) The power of appointing municipal officers, whether temporary or permanent, whose minimum monthly salary exclusive of allowances is or exceeds four hundred rupees shall vest in the Corporation:

Provided that temporary appointments for loan works carrying a monthly salary of rupees four hundred or more exclusive of allowances may be made for a period of not more than six months by the Commissioner with the previous sanction of the Standing Committee on condition that every such appointment shall forthwith be reported by the Commissioner to the Corporation and no such appointment shall be renewed on the expiry of the said period of six months without the previous sanction of the Corporation.

(2) Save as otherwise provided in sub-section (1), the power of appointing municipal officers and servants, whether temporary or permanent, under the immediate control of the Municipal Chief Auditor and the Municipal Secretary shall vest in the Municipal Chief Auditor or the Municipal Secretary, as the case may be, subject, in either case, to the approval of the Standing Committee unless the said Committee in any particular case or class of cases dispenses with this requirement.

(*3*) Save as otherwise provided in this Act, the power of appointing municipal officers and servants whether permanent or temporary vests in the Commissioner :

Provided that such power in respect of permanent appointments shall be subject to the statement for the time being in force prepared and sanctioned under section 51 :

Provided further that no temporary appointment shall be made by the Commissioner for any period exceeding six months and no such appointment carrying a monthly salary of more than one hundred rupees exclusive of allowances shall be renewed by the Commissioner on the expiry of the said period of six months without the previous sanction of the Standing Committee.

Manner of making appointments.

54. (*1*) There shall be a Staff Selection Committee consisting of the Commissioner or any other officer designated by him in this behalf, the Municipal Chief Auditor, the Head of the Department concerned and not more than one other officer nominated by the Commissioner.

(*2*) The Staff Selection Committee shall, in the manner prescribed in the rules, select candidates for all appointments in the municipal service other than appointments referred to in sub-section (*1*) of section 53 and other than those which the Corporation may, with the previous approval of the Provincial Government, by order specify in this behalf, unless it is proposed to fill the appointment from amongst persons already in municipal service or unless the appointment is of a temporary character and is not likely to last for more than six months.

(*3*) Every authority competent to make appointments in the municipal service shall make appointments of the candidates so selected in accordance with the directions given by the Staff Selection Committee.

(*4*) With reference to officers and servants appointed under Chapter XX, the provisions of this section shall apply as if for the word " Commissioner " the words " Transport Manager " had been substituted.

(*5*) Subject to the provisions of this section, any appointment of a municipal officer or servant shall be made in the manner prescribed in the rules, save as expressly provided therein.

Saving in respect of officers and servants appointed under Chapter XX.

55. Nothing in sections 51, 52 and 53 shall apply to officers and servants appointed under the provisions of Chapter XX.

*Imposition of penalties.*

Imposition of penalties on municipal officers and servants.

56. (*1*) A competent authority may subject to the provisions of this Act impose any of the penalties specified in sub-section (*2*) on a municipal officer or servant if such authority is satisfied that such officer or servant is guilty of a breach of departmental rules or discipline or of carelessness, neglect of duty or other misconduct or is incompetent:

Provided that—

(*a*) no municipal officer or servant whose monthly salary, exclusive of allowances, exceeds two hundred rupees shall be dismissed by the Commissioner without the previous approval of the Standing Committee;

(*b*) any officer appointed by the Corporation excepting the Transport Manager may be suspended by the Standing Committee pending an order of the Corporation, such suspension and the reason therefor being forthwith reported to the Corporation;

(*c*) the Commissioner may impose any of the penalties specified in clauses (*a*), (*b*), (*c*), (*d*) and (*e*) of sub-section (*2*) on any officer appointed by the Corporation other than the Transport Manager or an officer appointed under section 45;

(*d*) the Municipal Chief Auditor and the Municipal Secretary may impose any of the penalties specified in clauses (*a*), (*b*), (*c*), (*d*) and (*e*) of sub-section (*2*) on any officer or servant immediately subordinate to them and drawing a monthly salary not exceeding rupees one hundred and fifty, exclusive of allowances, subject to a right of appeal to the Standing Committee and the Standing Committee may impose any other penalty on any such officer or servant and may also impose any penalty on any other officer or servant immediately subordinate to the Municipal Chief Auditor or the Municipal Secretary.

(*2*) The penalties which may be imposed under this section are the following, namely:—

(*a*) censure;

(*b*) with-holding of increments or promotion including stoppage at an efficiency bar;

(*c*) reduction to a lower post or time-scale, or to a lower stage in a time-scale;

(*d*) fine;

(*e*) recovery from salary of the whole or part of any pecuniary loss caused to the Corporation;

(*f*) suspension;

(*g*) removal from municipal service which does not disqualify from future employment;

(*h*) dismissal from municipal service which ordinarily disqualifies from future employment.

(3) No officer or servant shall be reduced to a lower post or removed or dismissed from service under this section unless he has been given a reasonable opportunity of showing cause against such reduction, removal or dismissal:

Provided that this sub-section shall not apply—

(*a*) where a person is reduced, removed or dismissed on the ground of conduct which has led to his conviction on a criminal charge; or

(*b*) where the competent authority is satisfied that, for reasons to be recorded in writing by such authority, it is not reasonably practicable to give that person an opportunity of showing cause.

(4) Subject to the provisions of clause (*d*) of the proviso to sub-section (*1*), any municipal officer or servant who is reduced, removed or dismissed by any authority other than the Corporation may, within one month of the communication to him of the order of reduction, removal or dismissal, appeal to the authority immediately superior to the authority which imposed the penalty and the appellate authority may, after obtaining the remarks of the authority which imposed the penalty, either confirm the order passed or substitute for it such order as it considers just, including an order for the imposition of some lesser penalty, and effect shall forthwith be given to any order passed by the appellate authority which shall be conclusive:

Provided that for the purposes of this sub-section the Standing Committee shall be deemed to be the authority immediately superior to the Commissioner and the Corporation shall be deemed to be the authority immediately superior to the Standing Committee.

(5) With reference to officers and servants appointed under Chapter XX the provisions of this section shall apply as if for the word " Commissioner " the words " Transport Manager " and for the words " Standing Committee " the words " Transport Committee " had been substituted.

*Explanation.*—(*1*) For the purposes of this section a competent authority is the authority which under the provisions of this Act is competent to make the appointment to the post held by the particular municipal officer or servant.

(2) The monthly salary which would ordinarily be admissible to a municipal officer or servant on the date immediately preceding the date of the order imposing a penalty shall be deemed to be his salary for the purposes of the proviso to sub-section (*1*).

*Leave of absence, acting appointments, etc.*

Leave of absence.

**57.** (*1*) Leave of absence may be granted subject to the regulations by the Commissioner to any municipal officer or servant whom he has the power of appointing and for a period not exceeding one month to any other municipal officer, other than the Transport Manager, officers and servants immediately subordinate to the Municipal Chief Auditor or the Municipal Secretary and officers and servants appointed under Chapter XX.

(*2*) Leave of absence may be granted by the Municipal Chief Auditor or the Municipal Secretary, as the case may be, to a clerk or servant immediately subordinate to him and receiving a monthly salary, exclusive of allowances, not exceeding one hundred and fifty rupees.

(*3*) Leave of absence may be granted by the Standing Committee to any officer or servant not covered by sub-section (*1*) or sub-section (*2*) excepting the Transport Manager and officers and servants appointed under the provisions of Chapter XX.

Acting appointments.

**58.** (*1*) The appointment of a person to act in the place of an officer absent on leave may be made when necessary and subject to the regulations by the authority granting the leave of absence :

Provided that—

(*a*) when an officer appointed under section 45 is granted leave of absence for a period exceeding one month, the appointment of a person to act for him shall be made by the Corporation and, excepting an appointment to act for the Municipal Secretary, shall be reported forthwith to the Provincial Government;

(*b*) any appointment reported to the Provincial Government under clause (*a*) may be disallowed by it and from the time of being so disallowed shall be null and void as from the date of the receipt by the Corporation of the order of the Provincial Government.

(*2*) A person appointed under this section to act for any officer or servant shall, while so acting, perform the same duties and exercise the same powers and be subject to the same liabilities, restrictions and conditions which such officer or servant is bound to perform or may exercise or to which such officer or servant is liable.

*Disqualification of municipal officers and servants.*

Disqualification of municipal officers and servants.

**59.** (*1*) Any person who has, directly or indirectly, by himself or his partner, any share or interest in any contract with, by, or on behalf of the Corporation, or in any employment with, by, or on behalf of the Corporation other than as a municipal officer or servant, shall be disqualified for being a municipal officer or servant,

(2) Any municipal officer or servant who shall acquire, directly or indirectly, by himself or his partner, any share or interest in any such contract or employment as aforesaid shall cease to be a municipal officer or servant and his office shall become vacant.

(3) Nothing in this section shall apply to any such share or interest in any contract or employment with, by, or on behalf of the Corporation as under sub-clause (ii) or (iv) of clause (*b*) of sub-section (2) of section 10, it is permissible for a councillor to have, without his being thereby disqualified for being a councillor.

*Explanation.*—The expression " municipal officer " includes the Transport Manager appointed under section 40 and any person appointed to act for the Transport Manager under section 41.

Occupation of, and liability to vacate, premises provided by Corporation for municipal officers and servants.

**60.** (1) Any municipal officer or servant occupying any premises provided by the Corporation for his residence—

(*a*) shall occupy the same subject to such conditions and terms as may, generally or in special cases, be prescribed by the Corporation, and

(*b*) shall, notwithstanding anything contained in any law for the time being in force, vacate the same on his resignation, dismissal, removal or retirement from the service of the Corporation or whenever the Commissioner, with the approval of the Corporation, thinks it necessary and expedient to require him to do so.

(2) If any person who is bound or required under sub-section (1) to vacate any premises fails to do so, the Commissioner may order such person to vacate such premises and may take such measures as will prevent him from remaining on or again entering on the premises.

(3) With reference to a municipal officer or servant appointed under Chapter XX, the provisions of this section shall apply as if for the word " Commissioner " the words " Transport Manager " had been substituted.

## CHAPTER V.

### Essential Services.

Members of essential services not to resign, etc. without permission.

**61.** (1) No member of an essential service shall.—

(*a*) without the written permission of the Commissioner or any officer authorised by him in this behalf, resign his office, withdraw or absent himself from the duties thereof without at least two months' notice given in writing to the Commissioner, except in the case of illness or accident disabling him for the discharge of his duties, or other reason accepted as sufficient by the Commissioner or such officer, or

(*b*) neglect or refuse to perform his duties or wilfully perform them in a manner which, in the opinion of the Commissioner or such officer, is inefficient.

(2) With reference to a member of an essential service who is appointed under Chapter XX, the provisions of this section shall apply as if for the word " Commissioner " the words " Transport Manager " had been substituted.

Power of Provincial Government to declare emergency.

**62.** If the Provincial Government is of the opinion that the stoppage or the cessation of the performance of any of the essential services will be prejudicial to the safety or health or the maintenance of services essential to the life of the community in the City, it may, by notification in the *Official Gazette*, declare that an emergency exists in the City and that in consequence thereof no member of such of the essential services and for such period as

may be specified in the notification shall, notwithstanding any law for the time being in force or any agreement,—

(*a*) withdraw or absent himself from his duties except in the case of illness or accident disabling him from the discharge of his duties, or

(*b*) neglect or refuse to perform his duties or wilfully perform them in a manner which in the opinion of such officer as the Provincial Government may specify in this behalf is inefficient.

## CHAPTER VI.

## DUTIES AND POWERS OF THE MUNICIPAL AUTHORITIES AND OFFICERS.

### *Obligatory and Discretionary Duties of the Corporation.*

Matters to be provided for by the Corporation.

63. It shall be incumbent on the Corporation to make reasonable and adequate provision, by any means or measures which it is lawfully competent to it to use or to take, for each of the following matters, namely—

(*1*) erection of substantial boundary marks of such description and in such positions as shall be approved by the Provincial Government defining the limits or any alteration in the limits of the City;

(*2*) the watering, scavenging and cleansing of all public streets and places in the City and the removal of all sweepings therefrom;

(*3*) the collection, removal, treatment and disposal of sewage, offensive matter and rubbish and, if so required by the Provincial Government, the preparation of compost manure from such sewage, offensive matter and rubbish;

(*4*) the construction, maintenance and cleansing of drains and drainage works, and of public latrines, water-closets, urinals and similar conveniences;

(*5*) the entertainment of a fire-brigade equipped with suitable appliances for the extinction of fires and the protection of life and property against fire;

(*6*) the construction or acquisition and maintenance of public hospitals and dispensaries including hospitals for the isolation and treatment of persons suffering or suspected to be infected with a contagious or infectious disease and carrying out other measures necessary for public medical relief;

(*7*) the lighting of public streets, municipal markets and public buildings vested in the Corporation;

(*8*) the maintenance of a municipal office and of all public monuments and open spaces and other property vesting in the Corporation;

(*9*) the naming or numbering of streets and of public places vesting in the Corporation and the numbering of premises;

(*10*) the regulation and abatement of offensive and dangerous trades or practices;

(*11*) the maintenance, change and regulation of places for the disposal of the dead and the provision of new places for the said purpose and disposing of unclaimed dead bodies;

(*12*) the construction or acquisition and maintenance of public markets and slaughter-houses and the regulation of all markets and slaughter-houses;

(*13*) the construction or acquisition and maintenance of cattle-pounds;

(*14*) public vaccination in accordance with the provisions of the Bombay District Vaccination Act, 1892; Bom. I of 1892

(*15*) maintaining, aiding and suitably accommodating schools for primary education;

(*16*) the reclamation of unhealthy localities, the removal of noxious vegetation and generally the abatement of all nuisances;

(*17*) the registration of births and deaths;

(*18*) the construction, maintenance, alteration and improvement of public streets, bridges, sub-ways, culverts, cause-ways and the like;

(*19*) the removal of obstructions and projections in or upon streets, bridges and other public places;

(*20*) the management and maintenance of all municipal water works and the construction or acquisition of new works necessary for a sufficient supply of water for public and private purposes;

(*21*) preventing and checking the spread of dangerous diseases;

(*22*) the securing or removal of dangerous buildings and places;

(*23*) the construction and maintenance of residential quarters for the municipal conservancy staff;

(*24*) fulfilment of any obligation imposed by or under this Act or any other law for the time being in force;

(*25*) subject to adequate provision being made for the matters specified above, the provision of relief to destitute persons in the City in times of famine and scarcity and the establishment and maintenance of relief works in such times.

Corporation to provide for anti-rabic treatment.

64. The Corporation shall make payments at such rates and subject to such conditions as the Provincial Government from time to time by general or special order prescribes, for the maintenance and treatment in any institution which the Provincial Government declares by notification in the *Official Gazette* to be suitable for the purpose either within or without the City and for other necessary expenses of persons undergoing anti-rabic treatment as indigent persons according to the rules applicable to such institutions:

Provided that the Corporation shall not be liable under this section for the maintenance, treatment and other expenses of any person undergoing anti-rabic treatment as an indigent person in any such institution as aforesaid, unless such person immediately previous to his admission thereto has been resident in the City for at least one year and has proceeded to such institution from the City.

Corporation to provide for maintenance of lunatics and lepers.

65. (*1*) The Corporation shall make payments at such rates for each person as the Provincial Government from time to time by general or special order prescribes for the maintenance and treatment at any asylum, hospital or house, within or without the City, which the Provincial Government declares by notification in the *Official Gazette* to be suitable for the purpose of pauper lunatics, not being persons for whose confinement an order under Chapter XXXIV of the Code of Criminal Procedure, 1898, is in force and of lepers resident within, or under any enactment for the time being in force removed from, the City:

Provided that the Corporation shall not be liable under this section for the maintenance and treatment of any lunatic or leper in any such asylum, hospital or house as aforesaid, unless such lunatic or leper immediately previous to his admission thereto has been resident in the City for at least one year:

Provided further that the rates prescribed by the Provincial Government under this section shall not exceed half the total cost of maintenance and treatment incurred for each person on account of the lunatics for whose maintenance and treatment the Corporation shall be liable under this section:

Provided also that where an application is made to the Court under section 88 of the Indian Lunacy Act, 1912, no order for the payment of the cost of maintenance of the lunatic by the Corporation shall be made without

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an opportunity being given to the Corporation to show that the lunatic is not pauper and has an estate applicable to his maintenance or that there is a person legally bound and having the means to maintain him.

(*2*) The Officer in charge of an asylum, hospital or house to which lunatics or lepers for whose maintenance and treatment the Corporation is liable under this section are admitted shall maintain a clear account of the cost of maintenance and treatment incurred on account of such persons detained in the asylum, hospital or house and shall furnish a copy thereof to the Corporation.

Matters which may be provided for by Corporation at its discretion.

66. The Corporation may, in its discretion, provide from time to time, either wholly or partly, for all or any of the following matters, namely :—

(*1*) the organisation, maintenance or management of institutions within or without the City for the care of persons who are infirm, sick or incurable, or for the care and training of blind, deaf, mute or otherwise disabled persons or of handicapped children;

(*2*) the organisation, maintenance or management of maternity and infant welfare homes or centres;

(*3*) the provision of milk to expectant or nursing mothers or infants or school children;

(*4*) the organisation, maintenance or management of chemical or bacteriological laboratories for the examination or analysis of water, food or drugs, for the detection of diseases or for researches connected with public health;

(*5*) swimming pools, public wash houses, bathing places and other institutions designed for the improvement of public health;

(*6*) dairies or farms within or without the City for the supply, distribution and processing of milk or milk products for the benefit of the residents of the City;

(*7*) the construction and maintenance in public streets or places of drinking fountains for human beings and water-troughs for animals;

(*8*) the planting and maintenance of trees on road sides and elsewhere;

(*9*) the provision of music for the people;

(*10*) the provision of public parks, gardens, play-grounds and recreation grounds;

(*11*) the holding of exhibitions, athletics or games;

(*12*) the regulation of lodging houses, camping grounds and rest houses in the City;

(*13*) the maintenance of an ambulance service;

(*14*) the construction, establishment and maintenance of theatres, rest-houses and other public buildings;

(*15*) the organization or maintenance, in times of scarcity, of shops or stalls for the sale of necessaries of life;

(*16*) the building or purchase and maintenance of dwellings for municipal officers and servants;

(*17*) the grant of loans for building purposes to municipal servants drawing a monthly salary of not more than four hundred rupees on such terms and subject to such conditions as may be prescribed by the Corporation;

(*18*) any other measures for the welfare of municipal servants or any class of them;

(*19*) the purchase of any undertaking for the supply of electric energy or gas or the starting or subsidising of any such undertaking which may be in the general interests of the public;

(*20*) the construction, purchase, organization, maintenance or management of light railways, tramways, trackless trams, or motor transport facilities for the conveyance of the public or goods within or without the City;

(*21*) the furtherance of educational objects other than those mentioned in clause (*15*) of section 63 and making grants to educational institutions within or without the City;

(*22*) the establishment and maintenance or the aiding of libraries, museums and art galleries, botanical or zoological collections and the purchase of construction of buildings therefor;

(*23*) the construction or maintenance of infirmaries or hospitals for animals;

(*24*) the destruction of birds or animals causing a nuisance, or of vermin, and the confinement or destruction of stray or ownerless dogs;

(*25*) contributions towards any public fund raised for the relief of human suffering within the City or for the public welfare;

(*26*) the preparation or presentation of addresses to persons of distinction;

(*27*) the registration of marriages;

(*28*) the granting of rewards for information which may tend to secure the correct registration of vital statistics;

(*29*) paying the salaries and allowances, rent and other charges incidental to the maintenance of the Court of any stipendiary magistrate or any portion of such charges;

(*30*) the acquisition and maintenance of grazing grounds and the establishment and maintenance of a breeding stud;

(*31*) establishing and maintaining a farm or factory for the disposal of sewage;

(*32*) supplying, constructing and maintaining, in accordance with the general system approved by the Corporation, receptacles, fittings, pipes and other appliances whatsoever on or for the use of premises for receiving and conducting the sewage thereof into drains under the control of the Corporation;

(*33*) granting rewards for information regarding the infringement of any provisions of this Act, or of the rules, by-laws, regulations or standing orders;

(*34*) laying out whether in areas previously built upon or not, new public streets and acquiring land for that purpose and land required for the construction of buildings or curtileges thereof to abut on such street or streets;

(*35*) the building or purchase and maintenance of suitable dwellings for the poor and working classes, or the grant of loans or other facilities to any person, society or institution interested in the provision of such dwellings;

(*36*) the provision of shelter to destitute or homeless persons and any form of poor relief;

(*37*) the building or purchase and maintenance of sanitary stables, or byres for horses, ponies or cattle used in hackney carriages or carts or for milch-kine;

(*38*) surveys of buildings or lands;

(*39*) measures to meet any calamity affecting the public in the City;

(*40*) making contributions to the funds of the Local Self-Government Institute, Bombay;

(*41*) with the previous sanction of the Provincial Government, the making of a contribution towards any public ceremony or entertainment in the City;

(*42*) any measure not hereinbefore specifically named, likely to promote public safety, health, convenience or instruction.

*Respective functions of the several Municipal Authorities.*

Function of the several municipal authorities.

67. (*1*) The respective functions of the several municipal authorities shall be such as are specifically prescribed by or under this Act.

(*2*) Except as otherwise expressly provided in this Act, the municipal government of the City vests in the Corporation.

(*3*) Subject, whenever it is in this Act expressly so directed, to the approval or sanction of the Corporation or the Standing Committee and subject also to all other restrictions, limitations and conditions imposed by this Act or by any other law for the time being in force, the entire executive power for the purpose of carrying out the provisions of this Act and of any other Act for the time being in force which imposes any duty or confers any power on the Corporation vests in the Commissioner, who shall also—

(*a*) perform all the duties and exercise all the powers specifically imposed or conferred upon him by this Act or by any other law for the time being in force;

(*b*) prescribe the duties of, and exercise supervision and control over, the acts and proceedings of all municipal officers and servants, other than the Municipal Secretary and the Municipal Chief Auditor and the municipal officers and servants immediately subordinate to them, and subject to the regulations, dispose of all questions relating to the service of the said officers and servants and their pay, privileges and allowances;

(*c*) in any emergency take such immediate action for the service or safety of the public or the protection of the property of the Corporation as the emergency shall appear to him to justify or to require notwithstanding that such action cannot be taken under this Act without the sanction, approval or authority of some other municipal authority or of the Provincial Government:

Provided that the Commissioner shall report forthwith to the Standing Committee and to the Corporation the action he has taken and his reasons for taking the same and the amount of cost, if any, incurred or likely to be incurred in consequence of such action which is not covered by a current budget grant under the provisions of this Act;

(*d*) perform the duties and exercise the powers imposed or conferred upon the Transport Manager by this Act in his absence or on failure by him to perform or exercise the same.

(*4*) Subject, whenever expressly so directed in this Act, to the approval of the Corporation or the Transport Committee and subject also to all other restrictions, limitations and conditions imposed by this Act, the entire executive power for the purpose of carrying out the provisions of Chapter XX vests in the Transport Manager who shall also—

(*a*) perform all the duties and exercise all the powers specifically imposed or conferred upon him by this Act and perform such other duties in connection with the Transport Undertaking as may be required of him by the Transport Committee;

(*b*) prescribe the duties of, and exercise supervision and control over the acts and proceedings of, all municipal officers and servants appointed under Chapter XX and, subject to the regulations, dispose of all questions relating to the service of the said officers and servants and their pay, privileges and allowances;

(*c*) in an emergency take such immediate action for the protection of human life or of the property of the Corporation or for the maintenance of the service provided to the public by the Transport Undertaking as the emergency

shall appear to him to justify or require, reporting forthwith to the Transport Committee, when he has done so, the action he has taken and his reason for taking the same and the amount of cost, if any, incurred, or likely to be incurred in consequence of such action, which is not covered by a budget-grant under the provisions of this Act.

Commissioner to exercise powers and perform duties of Corporation under other laws.

68. (*1*) Any powers, duties and functions conferred or imposed upon or vested in the Corporation by any other law for the time being in force shall, subject to the provisions of such law and to such restrictions, limitations and conditions as the Corporation may impose, be exercised, performed or discharged by the Commissioner.

(*2*) The Commissioner may with the approval of the Standing Committee by order in writing empower any municipal officer to exercise, perform or discharge any such power, duty or function under the control of the Commissioner and subject to his revision and to such conditions and limitations, if any, as he shall think fit to prescribe.

Municipal officers may be empowered to exercise certain of the powers, etc., of the Commissioner or the Transport Manager.

69. (*1*) Subject to the provisions of sub-sections (*2*) and (*3*), any of the powers, duties or functions conferred or imposed upon or vested in the Commissioner or the Transport Manager by or under any of the provisions of this Act may be exercised, performed or discharged, under the control of the Commissioner or the Transport Manager, as the case may be, and subject to his revision and to such conditions and limitations, if any, as may be prescribed by rules, or as he shall think fit to prescribe in a manner not inconsistent with the provisions of this Act or rules, by any municipal officer whom the Commissioner or the Transport Manager generally or specially empowers by order in writing in this behalf; and to the extent to which any municipal officer is so empowered the word " Commissioner " and the words " Transport Manager " occurring in any provision in this Act, shall be deemed to include such officer.

(*2*) The Commissioner shall not, except with the prior approval of the Standing Committee, make an order under sub-section (*1*) affecting his powers, duties or functions under any of the following sections, sub-sections and clauses, namely :—

10 (*1*) (*h*), 12 (*1*), 18 (*1*), 26 (*2*), 43 (*2*), 43 (*4*), 43 (*5*), 51 (*2*), 67 (*3*) (*b*), 67 (*3*) (*c*), 67 (*3*) (*d*), 71 (*2*), 73, 77, 78 (*1*), 85, 86, 87, 90, 92 (*2*), 94, 95, 121, 122, 125, 126, 130 (*1*) (*b*), 131 (*1*), 134, 137, 144, 152, 154, 160, 174, 176, 177, 188, 195, 196, 197, 201, 205, 207, 208, 209, 210, 212, 213, 214, 216, 220, 224, 232, 243, 268, 269, 270, 272 (*2*), 273, 274, 275 (*1*), 277, 278, 281, 298, 300, 301, 303, 304, 305, 310, 317, 319, 321, 322, 323, 324, 325, 328, 329, 330, 331, 332, 363, 364, 371 (*2*), 373, 386 (*2*), 439 (*3*), 439 (*4*), 441, 442, 445, 466, 481 except clause (*a*) of sub-section (*1*).

(*3*) The Transport Manager shall not, except with the prior approval of the Transport Committee, make an order under sub-section (*1*) affecting his powers, duties or functions under any of the following provisions, namely :—

43 (*5*), 67 (*4*) (*b*), 67 (*4*) (*c*), 71 (*2*), 73, 97, 344, 346, 348, 354, 355, 356, 358, 362, 481 except clause (*a*) of sub-section (*1*).

Corporation may call for extracts from proceedings, etc. from the Standing Committee, etc.

70. The Corporation may at any time call for any extract from any proceedings of any Committee or sub-committee constituted under this Act, and for any return, statement, account or report concerning or connected with any matter with which any such Committee or sub-committee is empowered by or under this Act to deal; and every such requisition shall be complied with by the Committee or sub-committee, as the case may be, without unreasonable delay.

Corporation may require Commissioner to produce documents and furnish returns, reports, etc.

**71.** (*1*) The Corporation may at any time require the Commissioner—

(*a*) to produce any record, correspondence, plan or other document which is in his possession or under his control as Commissioner, or which is recorded or filed in his office or in the office of any municipal officer or servant subordinate to him;

(*b*) to furnish any return, plan, estimate, statement, account or statistics concerning or connected with any matter appertaining to the administration of this Act or the municipal government of the City;

(*c*) to furnish a report by himself or to obtain from any officer subordinate to him and furnish, with his own remarks thereon, a report, upon any subject concerning or connected with the administration of this Act or the municipal government of the City.

(*2*) Except as is hereinafter provided, every such requisition shall be complied with by the Commissioner without unreasonable delay; and it shall be incumbent on every municipal officer and servant to obey any order made by the Commissioner in pursuance of any such requisition:

Provided that if, on such requisition as aforesaid being made, the Commissioner shall declare that immediate compliance therewith would be prejudicial to the interests of the Corporation or of the public, it shall be lawful for him to defer such compliance until a time not later than the second ordinary meeting of the Corporation after he shall have declared as aforesaid.

(*3*) If at such meeting, or any meeting subsequent thereto, the Corporation shall repeat the requisition, and it shall then still appear to the Commissioner inexpedient to comply therewith, he shall make a declaration to that effect, whereon it shall be lawful for the Corporation to elect one councillor who with the Mayor and the Chairman of the Standing Committee or, if the Mayor is also Chairman of the Standing Committee, with the Mayor and one member of its own body elected by the Standing Committee shall form a committee who shall engage to keep secret, save as hereinafter provided, the existence and purport of such documents and matters as may be disclosed to them; and to whom the Commissioner shall be bound to make known and to disclose all writings and matters within his knowledge, under his control, or available to him, and embraced within the requisition.

(*4*) The said committee having taken cognizance of the information, writings and matters so laid before them shall determine, by a majority in case of difference, whether or not the whole or any part, and which part, if any, of such matters ought to be disclosed to the Corporation or kept secret for a defined time. Such decision of the committee shall be conclusive and shall be reported to the Corporation at the next ordinary meeting thereof, where also the Commissioner shall be bound to produce documents and to make any report or statement requisite to give effect to the decision of the committee when called on to do so by the Corporation.

(*5*) In their application to matters relating to the Transport Undertaking the provisions of sub-sections (*1*) to (*4*) shall have effect as if for the word "Commissioner" the words "Transport Manager" and for the words "Standing Committee" the words "Transport Committee" had been substituted.

Exercise of powers to be subject to sanction by Corporation of the necessary expenditure.

**72.** The exercise by any municipal authority of any power conferred or the performance of any duty imposed by or under this Act which will involve expenditure shall, except in any case specified in sub-section (*2*) of section 86 or in sub-section (*2*) of section 355, be subject to the conditions that—

(*a*) such expenditure, so far as it is to be incurred in the official year in which such power is exercised or duty performed, is provided for under a current budget grant; and

(*b*) if the exercise of such power or the performance of such duty involves or is likely to involve expenditure for any period or at any time after the close of the said official year, the sanction of the Corporation is taken before liability for such expenditure is incurred.

## CHAPTER VII.

### CONTRACTS.

Power to Commissioner to execute contracts on behalf of Corporation.

**73.** With respect to the making of contracts under or for any purpose of this Act, including contracts relating to the acquisition and disposal of immovable property or any interest therein, the following provisions shall have effect, namely :—

(*a*) every such contract shall be made on behalf of the Corporation by the Commissioner ;

(*b*) no such contract for any purpose which, in accordance with any provision of this Act, the Commissioner may not carry out without the approval or sanction of some other municipal authority, shall be made by him until or unless such approval or sanction has first been duly given ;

(*c*) no contract which will involve an expenditure exceeding five thousand rupees or such higher amount as the Corporation may, with the approval of the Provincial Government, from time to time prescribe, shall be made by the Commissioner unless the same is previously approved by the Standing Committee ;

(*d*) every contract made by the Commissioner involving an expenditure exceeding one thousand rupees and not exceeding five thousand rupees or such higher amount as may for the time being be prescribed under clause (*c*) shall be reported by him, within fifteen days after the same has been made, to the Standing Committee ;

(*e*) the foregoing provisions of this section shall, as far as may be, apply to every contract which the Commissioner shall have occasion to make in the execution of this Act ; and the same provisions of this section which apply to an original contract shall be deemed to apply also to any variation or discharge of such contract.

Mode of executing contracts.

**74.** (*1*) The mode of executing contracts under this Act shall be as prescribed by rules.

(*2*) No contract which is not made in accordance with the provisions of this Act and the rules shall be binding on the Corporation.

Contracts relating to Transport Undertaking.

**75.** For the purpose of contracts relating exclusively to the Transport Undertaking the provisions of section 73 and those of Chapter V of the Schedule shall apply as if for the word "Commissioner" wherever it occurs the words "Transport Manager" and for the words "Standing Committee" wherever they occur the words "Transport Committee" had been substituted.

## CHAPTER VIII.

### MUNICIPAL PROPERTY.

*Acquisition of Property.*

Powers of Corporation as to acquisition of property.

**76.** (*1*) The Corporation shall, for the purposes of this Act, have power to acquire and hold moveable and immovable property or any interest therein whether within or without the limits of the City.

(*2*) All immovable and other property, wherever situate, which on the date immediately preceding the appointed day vested—

(*a*) in any municipality or local authority which has been superseded by or under this Act in consequence of the inclusion in the City of the area for which it was constituted, or

(*b*) in His Majesty by reason of the supersession or dissolution of such municipality or local authority under any law relating to such municipality or local authority,

shall upon and after the said day vest in and be held by the Corporation having jurisdiction in such City as trustees for the purposes of this Act but subject to all trusts, charges and liabilities affecting the same.

(*3*) All primary schools, with their lands, buildings, records and equipment, and all other properties, moveable or immovable, which on the date immediately preceding the appointed day vested, under the provisions of section 12 of the Bombay Primary Education Act, 1947, in the District School Board of the district in which such City is situate in respect of any area which is included in such City shall, upon and after the said day, vest in, and be held by, the Corporation as trustees for the purposes of this Act, but subject to all trusts, charges and liabilities affecting the same : Bom. LXI of 1947.

Provided that in the event of any question, dispute or doubt arising as to whether any particular property shall so vest in and be held by the Corporation, the matter shall be referred to the Provincial Government whose decision thereon shall be final.

(*4*) The Provincial Government may, by order in writing, direct that any immovable or other property situate in, or pertaining to, an area included within the limits of any City which, on the appointed day, was vested in a local authority whose jurisdiction extended beyond such area shall vest in and be held by the Corporation as trustees for the purposes of this Act, but subject to all trusts, charges and liabilities affecting the same.

(*5*) Any immovable property which may be transferred to the Corporation by the Government shall be held by it subject to such conditions, including resumption by the Government on the occurrence of a specified contingency, and shall be applied to such purposes as the Government may impose or specify when the transfer is made.

Acquisition of immovable property.

**77.** (*1*) Whenever it is provided by this Act that the Commissioner may acquire, or whenever it is necessary or expedient for any purpose of this Act that the Commissioner shall acquire, any immovable property, such property may be acquired by the Commissioner on behalf of the Corporation by agreement on such terms and at such rates or prices or at rates or prices not exceeding such maxima as shall be approved by the Standing Committee either generally for any class of cases or specially in any particular case.

(*2*) Whenever, under any provision of this Act, the Commissioner is authorised to agree to pay the whole or any portion of the expenses of acquiring any immovable property, he shall do so on such terms and at such rates or prices or at rates or prices not exceeding such maxima as shall be approved by the Standing Committee as aforesaid.

(*3*) The Commissioner may on behalf of the Corporation acquire by agreement any easement affecting any immovable property vested in the Corporation, and the provisions of sub-sections (*1*) and (*2*) shall apply to such acquisition.

Procedure when immovable property cannot be acquired by agreement.

**78.** (*1*) Whenever the Commissioner is unable under section 77 to acquire by agreement any immovable property or any easement affecting any immovable property vested in the Corporation or whenever any immovable property or any easement affecting any immovable property vested in the Corporation is required for the purposes of this Act, the Provincial Government may, in its discretion, upon

the application of the Commissioner, made with the approval of the Standing Committee and subject to the other provisions of this Act, order proceedings to be taken for acquiring the same on behalf of the Corporation, as if such property or easement were land needed for a public purpose within the meaning of the Land Acquisition Act, 1894.

I of 1894.

(2) Whenever an application is made under sub-section (1) for the acquisition of land for the purpose of providing a new street or for widening or improving an existing street it shall be lawful for the Commissioner to apply for the acquisition of such additional land immediately adjoining the land to be occupied by such new street or existing street as is required for the sites of buildings to be erected on either side of the street, and such additional land shall be deemed to be required for the purposes of this Act.

(3) The amount of compensation awarded and all other charges incurred in the acquisition of any such property shall, subject to all other provisions of this Act, be forthwith paid by the Commissioner and thereupon the said property shall vest in the Corporation.

*Disposal of Property.*

Provisions governing the disposal of municipal property.

**79.** With respect to the disposal of property belonging to the Corporation other than property vesting in the Corporation exclusively for the purposes of the Transport Undertaking the following provisions shall have effect, namely :—

(*a*) the Commissioner may, in his discretion, dispose of by sale, letting out on hire or otherwise, any moveable property belonging to the Corporation not exceeding in value in each instance five hundred rupees or such higher amount as the Corporation may, with the approval of the Provincial Government, from time to time determine, or grant a lease of any immovable property belonging to the Corporation including any right of fishing or of gathering and taking fruit, and the like, for any period not exceeding twelve months at a time :

Provided that the Commissioner shall report to the Standing Committee every lease of immovable property within fifteen days of the grant thereof unless it is a contract for a monthly tenancy or the annual rent thereof at a rack rent does not exceed three thousand rupees ;

(*b*) with the sanction of the Standing Committee the Commissioner may dispose of by sale, letting out on hire or otherwise any moveable property belonging to the Corporation, of which the value does not exceed five thousand rupees ; and may with the like sanction grant a lease of any immovable property belonging to the Corporation, including any such right as aforesaid, for any period exceeding one year or sell or grant a lease in perpetuity of any immovable property belonging to the Corporation the value or premium whereof does not exceed fifty thousand rupees or the annual rental whereof does not exceed three thousand rupees ;

(*c*) with the sanction of the Corporation the Commissioner may lease, sell, let out on hire or otherwise convey any property, moveable or immovable, belonging to the Corporation ;

(*d*) the consideration for which any immovable property or any right belonging to the Corporation may be sold, leased or otherwise transferred shall not be less than the current market value of such premium, rent or other consideration ;

(*e*) the sanction of the Standing Committee or of the Corporation under clause (*b*) or clause (*c*) may be given either generally for any class of cases or specially in any particular case ;

(*f*) the aforesaid provisions of this section and the provisions of the rules shall apply, respectively, to every disposal of property belonging to the Corporation made under or for any purposes of this Act :

Provided that

(*a*) no property vesting in the Corporation for the purpose of any specific trust shall be leased, sold or otherwise conveyed in such a manner that the purpose for which it is held will be prejudicially affected ;

(*b*) no property transferred to the Corporation by the Government shall be leased, sold or otherwise conveyed in any manner contrary to the terms of the transfer except with the prior sanction of the appropriate Government.

Decision of claims to property by or against the Corporation.

**80.** (*1*) Where any immovable property or any right in or over any such property is claimed by or on behalf of the Corporation, or by any person as against the Corporation, it shall be lawful for the Collector after formal inquiry, of which due notice has been given, to pass an order deciding the claim.

(*2*) The Corporation or any person aggrieved by an order passed by the Collector under sub-section (*1*) may, notwithstanding anything contained in any law for the time being in force, within one year from the date on which the Corporation or such person had due notice of such order, institute a suit in any competent civil court to set aside such order or to claim a relief inconsistent therewith.

If any such suit is instituted after the expiration of one year from the date on which the notice of such order has been given, such suit shall be dismissed although limitation has not been set up as a defence.

(*3*) The Collector may, by general or special order, delegate the powers conferred on him under this section to an Assistant or Deputy Collector or a survey officer as defined in the Bombay Land Revenue Code, 1879. Bom. V of 1879.

(*4*) The formal inquiry referred to in this section shall be conducted in accordance with the provisions of the aforesaid Code.

(*5*) A person shall be deemed to have had due notice of an inquiry or order under this section if notice thereof has been given in accordance with rules made in this behalf by the Provincial Government.

Power of Corporation to enforce covenants against owner for the time being of land.

**81.** A covenant concerning any immovable property for the purposes of this Act entered into with the Corporation by the owner of such property or by any person to whom such property of the Corporation has been transferred by sale or exchange shall be enforceable by the Corporation against any person deriving title under the covenantor notwithstanding that the Corporation is not in possession of, or interested in, any immovable property for the benefit of which the covenant was entered into, in like manner and to the like extent as if it had been possessed of or interested in such property.

## CHAPTER IX.

### The Municipal Fund and other Funds.

*The Municipal Fund.*

Constitution of Municipal Fund.

**82.** Subject to the provisions of this Act and the rules and subject to the provisions of section 44 of the Bombay Primary Education Act, 1947,—

(*a*) all moneys received by or on behalf of the Corporation under the provisions of this Act or of any other law for the time being in force, or under any contract, Bom. LXI of 1947.

(*b*) all proceeds of the disposal of property by or on behalf of the Corporation,

(*c*) all rents accruing from any property of the Corporation,

(*d*) all moneys raised by any tax levied for the purposes of this Act,

(*e*) all fees and fines payable and levied under this Act or under any rule, by-law, regulation or standing order other than fines imposed by a Court,

(*f*) all moneys received by way of compensation or for compounding offences under the provisions of this Act,

(*g*) all moneys received by or on behalf of the Corporation from the Government or public bodies, private bodies or private individuals by way of grant or gift or deposit, subject, however, to the conditions, if any, attached to such grant, gift or deposit, and

(*h*) all interest and profits arising from any investment of, or from any transaction in connection with, any money belonging to the Corporation,

shall be credited to a fund which shall be called "the Municipal Fund" and which shall be held by the Corporation in trust for the purposes of this Act, subject to the provisions herein contained.

Commission to receive payments on account Municipal Fund and to lodge them in a bank.

**83.** All moneys payable to the credit of the Municipal Fund shall be received by the Commissioner and shall be forthwith paid into the Imperial Bank of India [1][or any other scheduled bank] [2][or an approved co-operative bank] to the credit of an account which shall be styled "the account of the Municipal Fund of .....": Provided that the Commissioner may, subject to any general or special directions issued by the Standing Committee, retain such balances in cash as may be necessary for current payments:

[3][Provided further that the amount of money to be paid into an approved co-operative bank shall not exceed such amount as may be specified by the State Government generally or specially in respect of any approved co-operative bank.]

How the Fund shall be drawn against.

**84.** (*1*) Subject to the provisions of section 449 no payment shall be made by any bank aforesaid out of the Municipal Fund except on a cheque signed by the Chief Accountant or the Deputy Accountant or, if there be no post of Deputy Accountant, by the officer immediately subordinate to the Chief Accountant and by the Commissioner or the Deputy Commissioner or the Assistant Commissioner.

(*2*) Payment of any sum due by the Corporation in excess of one hundred rupees or such higher amount as the Standing Committee from time to time fixes generally or for any specified class of payments shall be made by means of a cheque signed as aforesaid and not in any other way.

(*3*) Payments not covered by sub-section (*2*) may be made by the Commissioner in cash and cheques for sums not in excess of two thousand rupees each, signed as aforesaid, may be drawn from time to time to cover such payments if the amount of cash in hand is insufficient for the purpose.

Deposit of portion of Municipal Fund may be made with bank or agency out of City when convenient

**85.** Notwithstanding anything contained in sections 83 and 84 the Commissioner may, with the previous approval of the Standing Committee, from time to time, remit to and deposit with a bank or other agency at any place beyond the City any portion of the Municipal Fund, and any moneys payable to the credit of the Municipal Fund or chargeable there-against which can, in the opinion of the Commissioner, be most conveniently paid into or out of the account of the Corporation at any such bank or agency, may be so paid.

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[1] These words were substituted for the words "or such other bank or banks as the Corporation, with the previous sanction of the State Government, may select" by Bom. 10 of 1953, s. 3.

[2] These words were inserted by Bom. 19 of 1954, s. 4 (*1*).

[3] This proviso was inserted *ibid*, s. 4 (*2*).

Restrictions on expenditure from Municipal Fund.

**86.** (*1*) Except as hereinafter provided, no payment of any sum shall be made by the Commissioner out of the Municipal Fund, unless the expenditure of the same is covered by a current budget-grant, and sufficient balance of such budget-grant is still available, notwithstanding any reduction or transfer thereof which may have been made under the rules.

(*2*) The following items shall be excepted from the prohibition in sub-section (*1*), namely :—

(*a*) sums of which the expenditure has been sanctioned by the Standing Committee under section 102 ;

(*b*) temporary payments under section 90 for works urgently required in the public service ;

(*c*) refunds of taxes and other moneys which the Commissioner is by or under this Act authorised to make ;

(*d*) repayments of moneys belonging to contractors or other persons held in deposit and of moneys collected or credited to the Municipal Fund by mistake ;

(*e*) sums which under any provision of this Act or any other enactment are payable by way of compensation ;

(*f*) sums payable in any of the circumstances mentioned in clause (*h*) of section 88 ;

(*g*) expenses incurred by the Commissioner in the exercise of the powers conferred upon him by section 319 ;

(*h*) costs incurred by the Commissioner under clause (*c*) of sub-section (*3*) of section 67.

Procedure when money not covered by budget-grant is expended under clause (*e*), (*f*), (*g*) or (*h*) of sub-section (*2*) of section 86.

**87.** Whenever any sum is expended by the Commissioner under clause (*e*), (*f*) (*g*) or (*h*) of sub-section (*2*) of section 86 he shall forthwith communicate the circumstances to the Standing Committee, who shall take such action under the rules or recommend the Corporation to take, under section 101 or under the rules, such action as shall in the circumstances, appear possible and expedient for covering the amount of the additional expenditure.

Purpose for which Municipal Fund is to be applied.

**88.** The moneys from time to time credited to the Municipal Fund shall be applied in payment of all sums, charges, and costs necessary for carrying this Act into effect, or of which the payment shall be duly directed or sanctioned under any of the provisions of this Act or of any other law for the time being in force inclusive of—

(*a*) the expenses of every ward election ;

(*b*) the salary, joining time allowances and other allowances of the Commissioner and of leave and pension contribution, if any, payable on his account to the [1][State] Government ;

(*c*) the salaries and other allowances of all municipal officers and servants and all contributions to provident funds, pensions, gratuities and compassionate allowances payable under the provisions of this Act or the regulations or of the statement framed under this Act for the time being in force ;

(*d*) all expenses and costs incurred by the Commissioner in the exercise of any power or the discharge of any duty conferred or imposed upon him by this Act, including moneys which he is required or empowered to pay by way of compensation ;

[1] This word was substituted for the word " Provincial " by the Adaptation of Laws Order, 1950.

Bom. LXI of 1947.

(*e*) the grant payable under section 44 of the Bombay Primary Education Act, 1947, to the Primary Education Fund maintained thereunder for the City;

(*f*) the loans advanced under the rules for building purposes;

(*g*) any sum chargeable under section 108;

(*h*) every sum payable—

(i) under section 422 or sub-section (*1*) of section 449 to the [1][State] Government;

(ii) under a decree or order of a civil or criminal court passed against the Corporation or against the Commissioner, Deputy Commissioner or Assistant Commissioner *ex-officio*;

(iii) under a compromise of any suit or other legal proceeding or claim effected under section 481;

(*i*) contributions to public institutions;

(*j*) expenses incurred on the provision of traffic signs.

Municipal Fund where to be expended

**89.** Expenditure by the Corporation out of the Municipal Fund shall, save as otherwise provided by this Act, be made within the City only, but may, by a resolution of the Corporation supported by not less than half the total number of councillors, be made outside the City for any of the purposes of this Act.

Temporary payments from Municipal Fund for works urgently required for public service.

**90.** (*1*) On the written requisition of such officer as the [1][State] Government may specially authorise in this behalf the Commissioner may at any time undertake the execution of any work certified by such officer to be urgently required in the public service, and for this purpose may temporarily make payments from the Municipal Fund, so far as the same can be made without unduly interfering with the regular working of the municipal administration.

(*2*) The cost of all work executed under sub-section (*1*) and of the establishment engaged in executing the same shall be paid by the [1][State] Government and credited to the Municipal Fund.

(*3*) On receipt of a requisition under sub-section (*1*) the Commissioner shall forthwith forward a copy thereof to the Corporation, together with a report of the action taken by him thereon.

*Special Funds.*

Constitution of Special Funds.

**91.** The Corporation may constitute such special funds as are prescribed by rules and such other funds as may be necessary for the purposes of this Act. The constitution and disposal of such funds shall be effected in the manner prescribed by rules.

*Disposal of Balances.*

Investment of surplus moneys.

**92.** (*1*) Surplus moneys at the credit of the Municipal Fund which cannot immediately or at an early date be applied to the purposes of this Act or of any loan raised thereunder may be, from time to time, deposited at interest in the Imperial Bank of India [2][or any other scheduled bank] [3][or an approved co-operative bank] or be invested in public securities:

[4][Provided that the amount of money to be deposited in an approved co-operative bank shall not exceed such amount as may be specified by the State Government generally or specially in respect of any approved co-operative bank.]

[1] This word was substituted for the word "Provincial" by the Adaptation of Laws Order, 1950.
[2] These words were substituted for the words and figures "or in any other bank selected by the Corporation with the sanction of the State Government for the purposes of section 83" by Bom. 10 of 1953, s. 4.
[3] These words were inserted by Bom. 19 of 1954, s. 5 (*1*).
[4] This proviso was inserted, *ibid*, s. 5(*2*).

(2) All such deposits and investments shall be made by the Commissioner on behalf of the Corporation with the sanction of the Standing Committee and, with the like sanction, the Commissioner may at any time withdraw any deposit so made or dispose of any securities and redeposit or reinvest the money so withdrawn, or the proceeds of the disposal of such securities.

(3) The loss, if any, arising from any such deposit or investment shall be debited to the Municipal Fund.

*Accounts.*

Accounts to be kept in forms prescribed by Standing Committee.

**93.** Subject to the provisions of section 361 and of the Bombay Primary Education Act, 1947, and the rules made thereunder, accounts of the receipts and expenditure of the Corporation shall be kept in such manner and in such forms as the Standing Committee shall from time to time direct. Bom. LXI of 1947.

Preparation of annual administration report and statement of accounts.

**94.** (1) The Commissioner shall, as soon as may be after each first day of April, have prepared a detailed report of the municipal administration of the City, other than the administration of the Transport Undertaking, during the previous official year, together with a statement showing the amounts of the receipts and disbursements credited and debited to the Municipal Fund during the said year and the balance at the credit of the Fund at the close of the said year and shall submit the same to the Standing Committee.

(2) The report shall be in such form and shall contain such information as the Standing Committee may from time to time direct.

(3) After examination and review of the report and statement by the Standing Committee a printed copy of such report and statement together with a copy of the Committee's review shall be forwarded to the usual or last known local place of abode of each councillor by such date as the Standing Committee may from time to time prescribe and copies thereof shall be placed on sale at the municipal office at such price as the Commissioner may fix.

*Annual Budget Estimate.*

Estimates of income and expenditure to be prepared annually by Commissioner.

**95.** The Commissioner shall each year on or before such date as the Corporation may from time to time prescribe have prepared and lay before the Standing Committee, in such form as the Committee shall from time to time approve,—

(*a*) an estimate, classified in accordance with the rules, of the expenditure which must or should, in his opinion, be incurred by the Corporation in the next official year from the Municipal Fund including the amount of grant payable by the Corporation to the Primary Education Fund, and of the amounts, if any, which should, in his opinion be credited to, or expended from, a special fund ;

(*b*) an estimate of all balances, if any, which will be available for reappropriation or expenditure at the commencement of the next official year ;

(*c*) an estimate of the Corporation's receipts and income for the next official year other than from taxation and from the Transport Undertaking ;

(*d*) a statement of proposals as to the taxation which it will, in his opinion, be necessary or expedient to impose under the provisions of this Act in the next official year and an estimate of the receipts from taxation ;

(*e*) an estimate of the amounts due to be transferred during the next official year from the Transport Fund.

*Explanation.*—The balance, if any, available in any special fund shall not be deemed to be available for reappropriation or expenditure at the commencement of the next official year under clause (*b*) except in relation to expenditure which may

be met from such fund under the rules, and the Commissioner shall determine whether the whole or any part of such balance shall be taken into account as available for such expenditure at the commencement of the next official year.

Budget estimates to be prepared by Standing Committee.

**96.** (*1*) The Standing Committee shall consider the estimates and proposals of the Commissioner and after having obtained from the Commissioner such further detailed information, if any, as it shall think fit to require, and having regard to all the requirements of this Act, shall frame therefrom subject to such modifications and additions therein or thereto as it thinks fit a Budget Estimate to be called "budget estimate 'A'" of the income and expenditure of the Corporation other than the income and expenditure in respect of the Transport Undertaking for the next official year.

(*2*) In budget estimate "A" the Standing Committee shall—

(*a*) propose with reference to the provisions of Chapter XI such rates and extent of municipal taxes as it thinks fit;

(*b*) allow for the appropriation to any special fund of the sum estimated by the Commissioner, revised as it thinks proper;

(*c*) provide for payment, as they fall due, of all sums and of all instalments of principal and interest for which the Corporation may be liable under this Act other than sums and instalments of principal and interest for which the Corporation may be liable by reason of the acquisition, extension, administration, operation and maintenance of the Transport Undertaking;

(*d*) provide for such expenditure, if any, as it considers necessary to defray from the balance in any special fund;

(*e*) allow for a cash balance at the end of the said year exclusive of the balance, if any, of any special fund of not less than one lakh of rupees or such smaller amount as the Provincial Government may from time to time approve.

(*3*) The Commissioner shall cause the budget estimate framed by the Standing Committee to be printed and shall, by such date as the Corporation may from time to time prescribe, forward a printed copy thereof to the usual or last known local place of abode of each councillor.

(*4*) The budget estimate framed by the Standing Committee shall be laid before the Corporation and it shall proceed to consider the same within fifteen days of the date referred to in sub-section (*3*).

Estimates of expenditure and income of the Transport Undertaking to be prepared annually by Transport Manager.

**97.** The Transport Manager shall each year, on or before such date as the Corporation may from time to time fix, have prepared and lay before the Transport Committee, in such form as the Committee shall from time to time approve,—

(*a*) an estimate, classified in accordance with the rules, of the expenditure which must or should, in his opinion, be incurred by the Corporation in the next ensuing official year on account of the Transport Undertaking and of the amounts, if any, which should in his opinion be credited to, or expended from, a special fund;

(*b*) an estimate of all balances, if any, which will be available for reappropriation or expenditure at the commencement of the next ensuing official year, and an estimate of the amounts to be transferred to the Municipal Fund during the next ensuing financial year under sections 359 and 360;

(*c*) an estimate of the Corporation's receipts and income from the Transport Undertaking in the next ensuing official year.

*Explanation.*—The balance, if any, available in any special fund shall not be deemed to be available for reappropriation or expenditure at the commencement of the next official year under clause (*b*) except in relation to expenditure which may be met from such fund under the rules, and the Transport Manager shall determine whether the whole or any part of such balance shall be taken into account as available for expenditure at the commencement of the next official year.

Budget Estimate 'B' to be prepared by Transport Committee.

**98.** (*1*) The Transport Committee shall consider the estimates of the Transport Manager and, after having obtained from the Transport Manager such further detailed information, if any, as it shall think fit to require, and having regard to all the requirements of this Act, shall frame therefrom, subject to such modifications and additions therein or thereto as it shall think fit, a budget estimate, to be called "budget estimate 'B'" of the income and expenditure for the next official year to be received and incurred in respect of the Transport Undertaking.

(*2*) In budget estimate 'B' the said Committee shall—

(*a*) provide for the payment, as they fall due, of all sums and of all instalments of principal and interest for which the Corporation may be liable under this Act by reason of the acquisition, extension, administration, operation and maintenance of the Transport Undertaking;

(*b*) allow for the appropriation to any special fund of the sum estimated by the Transport Manager, revised as it thinks proper;

(*c*) allow for the amounts to be transferred during the next ensuing official year to the Municipal Fund as provided in sections 359 and 360;

(*d*) provide for such expenditure, if any, as it considers necessary to defray from the balance in any special fund;

(*e*) allow for a cash balance at the end of the said year exclusive of the balance, if any, of any special fund of not less than one lakh of rupees or such smaller amount as the Corporation may from time to time fix.

(*3*) The Transport Manager shall lay budget estimate 'B' as framed by the Transport Committee before the Standing Committee on or before such date as the Corporation may from time to time fix in this behalf and the Standing Committee shall prepare a report to the Corporation thereon, incorporating the remarks and recommendations, if any, of the Standing Committee.

(*4*) The Municipal Secretary shall cause budget estimate 'B' and the report of the Standing Committee thereon to be printed and shall, not later than such date as the Corporation may from time to time fix in this behalf, forward a printed copy thereof to the usual or last known local place of abode of each councillor.

Fixing of rates of taxes.

**99.** The Corporation shall, on or before the twentieth day of February, after considering the Standing Committee's proposals in this behalf, determine, subject to the limitations and conditions prescribed in Chapter XI, the rates at which municipal taxes referred to in sub-section (*1*) of section 127 shall be levied in the next ensuing official year and the rates at and the extent to which any of the taxes referred to in sub-section (*2*) of the said section which the Corporation decides to impose shall be levied in the next ensuing official year.

Final adoption of budget estimates.

**100.** Subject to the requirements of section 99, the Corporation may refer budget estimate 'A' back to the Standing Committee and budget estimate 'B' back to the Transport Committee for further consideration, or adopt the budget estimates or any revised budget estimates submitted to it, either as they stand or subject to such alterations as it deems expedient:

Provided that the budget estimates finally adopted by the Corporation shall fully provide for each of the matters specified in clauses (*c*) and (*e*) of sub-section (*2*) of

section 96 and for each of the matters specified in clauses (*a*), (*c*) and (*e*) of sub-section (*2*) of section 98, as the case may be :

Provided further that if the budget estimates are not finally adopted by the Corporation on or before the thirty-first day of March the estimates as recommended by the Standing Committee or the Transport Committee, as the case may be, shall be deemed to be budget estimates finally adopted by the Corporation until the estimates are so adopted.

Corporation may increase amount of budget grants and make additional grants.

**101.** (*1*) On the recommendation of the Standing Committee in the case of expenditure from the Municipal Fund and the Transport Committee in the case of expenditure from the Transport Fund, the Corporation may from time to time during an official year increase the amount of any budget grant, or make an additional budget grant for the purpose of meeting any special or unforeseen requirement arising during the said year, but not so that the estimated cash balance at the close of the year exclusive of the balance, if any, of any special fund shall be reduced below one lakh of rupees or such other amount as may have been fixed for the time being by the Corporation in the case of either the Municipal Fund or the Transport Fund.

(*2*) Such increased or additional budget grants shall be deemed to be included in the budget estimates adopted by the Corporation for the year in which they are made.

Provision as to unexpended budget grants.

**102.** If the whole budget grant or any portion thereof remains unexpended at the close of the year in the budget estimates for which such grant was included, and if the amount thereof has not been taken into account in the opening balance of the Municipal Fund or the Transport Fund, as the case may be, entered in the budget estimates of any of the two following years, the Standing Committee or the Transport Committee, as the case may be, may sanction the expenditure of such budget grant or such unexpended portion thereof, as the case may be, during the next two following years for the completion, according to the original intention or sanction, of the purpose or object for which the budget grant was made, but not upon any other purpose or object.

Reductions or transfers.

**103.** Reductions in and transfers from one budget head to another or within a budget head shall be made in accordance with the rules.

Readjustment of income and expenditure to be made by the Corporation during course of official year whenever necessary.

**104.** (*1*) If it shall at any time during any official year appear to the Corporation upon the representation of the Standing Committee or the Transport Committee that, notwithstanding any reduction of budget grants that may have been made by the appropriate Committee under the rules, the income of the Municipal Fund or the Transport Fund, as the case may be, during the said year will not suffice to meet the expenditure sanctioned in the budget estimates of the said year as so reduced and to leave at the close of the year a cash balance exclusive of the balance, if any, of any special fund of not less than one lakh of rupees or such other amount as may have been fixed for the time being by the Corporation in the case of either the Municipal Fund or the Transport Fund, it shall be incumbent on the Corporation to sanction forthwith any measure which shall be necessary for proportioning the year's income to the expenditure.

(*2*) For this purpose the Corporation may diminish the sanctioned expenditure of the year, so far as it may be possible so to do with due regard to the provisions of this Act or to the obligations pertaining to the Transport Undertaking, or have recourse to supplementary taxation or a revision of fares and charges levied in respect of the Transport Undertaking, as the case may be.

*Scrutiny and Audit of Accounts.*

Weekly scrutiny of accounts by Municipal Chief Auditor and scrutiny of accounts by the Standing Committee.

**105.** (*1*) The Municipal Chief Auditor shall conduct a weekly examination and audit of the municipal accounts and shall report thereon to the Standing Committee who may also from time to time and for such period as it thinks fit conduct independently an examination and audit of the municipal accounts.

(*2*) For these purposes the Standing Committee and the Municipal Chief Auditor shall have access to all the municipal accounts and to all records and correspondence relating thereto, and the Commissioner shall forthwith furnish to the Standing Committee or the Municipal Chief Auditor any explanation concerning receipts and disbursements which they may call for.

Report by the Chief Auditor.

**106.** (*1*) The Municipal Chief Auditor shall—

(*a*) report to the Standing Committee any material impropriety or irregularity which he may at any time observe in the expenditure or in the recovery of money due to the Corporation or in the municipal accounts;

(*b*) furnish to the Standing Committee such information as the said Committee shall from time to time require concerning the progress of the audit.

(*2*) The Standing Committee shall cause to be laid before the Corporation every report made by the Municipal Chief Auditor to the Standing Committee and every statement of the views of the Municipal Chief Auditor on any matter affecting the pursuance and exercise of the duties and powers assigned to him under this Act which the Municipal Chief Auditor may require the Standing Committee to place before the Corporation, together with a report stating what orders have been passed by the Standing Committee upon such report or statement, and the Corporation may take such action in regard to the matters aforesaid as the Corporation may deem necessary.

(*3*) As soon as may be after the commencement of each official year the Municipal Chief Auditor shall deliver to the Standing Committee a report upon the whole of the municipal accounts for the previous official year.

(*4*) The Commissioner shall cause the said report to be printed and forward a copy thereof to each councillor along with the printed copy of the Administration Report and Statement of Accounts referred to in section 94.

Application of sections 105 and 106 to accounts of Transport Fund.

**107.** Sections 105 and 106 shall apply to the accounts of the Transport Fund as if—

(*i*) for the words "Standing Committee" wherever they occur the words "Transport Committee" and for the word "Commissioner" wherever it occurs the words "Transport Manager" had been substituted; and

(*ii*) for the figures "94" in sub-section (*4*) of section 106 the figures "362" had been substituted.

A special audit may be directed by Provincial Government.

**108.** (*1*) The Provincial Government may at any time appoint an auditor for the purpose of making a special audit of the municipal accounts including the accounts of the Transport Undertaking and of reporting thereon to the Provincial Government and the costs of any such audit as determined by the Provincial Government shall be chargeable to the Municipal Fund or the Transport Fund, as the case may be.

(*2*) An auditor so appointed may exercise any power which the Municipal Chief Auditor may exercise.

## CHAPTER X.

### Borrowing Powers.

Powers of Corporation to borrow money.

**109.** (*1*) The Corporation may, with the previous sanction of the Provincial Government, from time to time, borrow or re-borrow and take up at interest by the issue of debentures or otherwise on the security of any immovable property vested in the Corporation or proposed to be acquired by it under this Act or of all the taxes or of any tax which it is authorised to levy for the purposes of this Act or the Transport Undertaking, or of all or any of those securities any sum necessary for the purpose of—

(*a*) defraying any costs, charges or expenses, incurred or to be incurred by it in the execution of this Act;

(*b*) for discharging any loan contracted under this Act or any other loan or debt for the repayment of which the Corporation is liable;

(*c*) generally for carrying out the purposes of this Act, including the advance of loans authorised thereunder:

Provided that—

(*i*) no loan shall be raised for the execution of any work other than a permanent work, which expression shall include any work of which the cost should, in the opinion of the Provincial Government, be spread over a term of years;

(*ii*) no loan shall be raised unless the Provincial Government has approved the terms on and the method by which the loan is to be raised and repaid;

(*iii*) the period within which the loan is to be repaid shall in no case exceed sixty years, and, where a loan is raised for the repayment of a previous loan, the period within which the subsequent loan is to be repaid shall not extend beyond the unexpired portion of the period fixed for the repayment of the original loan, unless the Provincial Government so directs, and shall in no case extend beyond the period of sixty years from the date on which the original loan was raised.

(*2*) When any sum of money has been borrowed or re-borrowed under sub-section (*1*)—

(*a*) no portion thereof shall, without the previous sanction of the Provincial Government, be applied to any purpose other than that for which it was borrowed; and

(*b*) no portion of any sum of money borrowed or re-borrowed for the execution of any work shall be applied to the payment of salaries or allowances of any municipal officers or servants other than those who are exclusively employed upon the work for the construction of which the money was borrowed:

Provided that such share of the cost on account of the salaries and allowances of municipal officers or servants employed in part upon the preparation of plans and estimates or the construction or supervision of or upon the maintenance of the accounts of such work as the Standing Committee may fix may be paid out of the sum so borrowed or re-borrowed.

Power of Corporation to borrow from banks against public securities.

**110.** Notwithstanding anything contained in section 109 the Corporation may borrow for the purposes of this Act from any bank or banks in which the surplus moneys at the credit of the Municipal Fund or the Transport Fund may be deposited, against any public securities in which for the time being the cash balances of the Corporation may be invested.

When and how loan shall be repaid.

**111.** Every loan raised by the Corporation under section 109 shall be repaid within the time approved under proviso (*ii*) to sub-section (*1*) of the said section and by such of the following methods as may be approved under the said proviso, namely—

(*a*) by payment from a sinking fund established under section 112 in respect of the loan ;

(*b*) by equal payments of principal and interest ;

(*c*) by equal payments of principal ;

(*d*) in the case of a loan borrowed before the appointed day by annual drawings if such method was in operation for the repayment of such loan immediately before such day ;

(*e*) from any sum borrowed for the purpose under section 109 (*1*) (*b*) ; or

(*f*) partly from a sinking fund established under section 112 in respect of the loan and partly from money borrowed for the purpose under section 109 (*1*) (*b*).

Maintenance and application of sinking fund.

**112.** (*1*) Whenever the repayment of a loan from a sinking fund has been sanctioned under proviso (*ii*) to sub-section (*1*) of section 109, the Corporation shall establish such a fund and shall pay into it, on such dates as may have been approved under the said proviso, such sum as will, with accumulations of compound interest, be sufficient after payment of all expenses to pay off the loan within the period approved :

Provided that if at any time the sum standing to the credit of the sinking fund established for the repayment of any loan is of such amount that if allowed to accumulate at compound interest it will be sufficient to repay the loan within the period approved, then with the permission of the Provincial Government further payments into such fund may be discontinued.

(*2*) The Corporation may apply a sinking fund, or any part thereof, in or towards the discharge of the loan for which such fund was established and, until such loan or part is wholly discharged, shall not apply the same for any other purpose.

Investment of sinking fund.

**113.** (*1*) All money paid into a sinking fund shall within one month of the date on which the payment was due to be made under sub-section (*1*) of section 112 be invested in public securities.

(*2*) All interest and other sums received in respect of any such investment shall be paid into the sinking fund and shall, within one month of receipt, be invested in the manner prescribed by sub-section (*1*).

(*3*) Money standing to the credit of two or more sinking funds may, at the discretion of the Corporation, be invested in a common fund, and it shall not be necessary for the Corporation to allocate the securities held in such investments among the several sinking funds.

(*4*) When any part of a sinking fund is invested in debentures issued by the Corporation or is applied in paying off any part of a loan before the period fixed for repayment, the interest which would otherwise have been payable on such debentures or on such part of the loan shall be paid into the sinking fund and invested in the manner laid down in sub-section (*1*).

(*5*) Any investment made under sub-section (*1*) may be varied from time to time or may be transferred from one sinking fund to another :

Provided that the fund from which the transfer is made shall be reimbursed the value of such investment as on the date on which the transfer is made.

(6) During the year in which the loan for the repayment of which a sinking fund is established is due for repayment, the sum to be set apart as portion of the principal of such sinking fund and the sum received on account of interest on moneys forming part of such sinking fund may be retained by the Corporation in such form as it thinks fit.

Investment sinking fund and surplus moneys in debentures issued by Corporation.

**114.** (1) In respect of any sinking funds which by this Act the Corporation is directed or authorised to invest in public securities and in respect of any surplus moneys which by this Act the Commissioner or the Transport Manager on behalf of the Corporation is empowered to invest in like securities, it shall be lawful for the Corporation to reserve and set apart for the purpose of any such investment any debentures issued or to be issued on account of any loan for which the sanction of the Provincial Government shall have been duly obtained :

Provided that the intention so to reserve and set apart such debentures shall have been notified to the Provincial Government as a condition of the issue of the loan.

(2) The issue of any such debentures direct to and in the name of the Municipal Commissioner or the Transport Manager of the Transport Undertaking on behalf of the Corporation shall not operate to extinguish or cancel such debentures, but every debenture so issued shall be valid in all respects as if issued to and in the name of any other person.

(3) The purchase by, or the transfer, assignment or endorsement to, the Corporation or to the Commissioner or Transport Manager on behalf of the Corporation of any debenture issued by the Corporation shall not operate to extinguish or cancel any such debenture, but the same shall be valid and negotiable in the same manner and to the same extent as if held by, or transferred, assigned or endorsed to, any other person.

Annual examination of sinking funds.

**115.** (1) All sinking funds established or maintained under this Act shall be subject to annual examination by the Accountant General, Bombay, who shall ascertain whether the cash and the value of the securities belonging thereto are actually equal to the amount which should be at the credit of such funds had investments been regularly made and had the rate of interest as originally estimated been obtained therefrom.

(2) The amount which should be at the credit of a sinking fund shall be calculated on the basis of the present value of all future payments required to be made to such fund under the provisions of this Act, on the assumption that all investments are regularly made and the rate of interest as originally estimated is obtained therefrom.

(3) The securities belonging to a sinking fund shall be valued for the purposes of this section at their current market value, except in the case of debentures issued under this Act or for any loan raised before the appointed day for which the Corporation is liable which shall always be valued at par, provided that the Corporation shall make good immediately any loss which may accrue on the actual sale of such debentures at the time of repayment of the loan.

(4) The Corporation shall forthwith pay into any sinking fund any amount which the Accountant General, Bombay, may certify to be deficient, unless the Provincial Government specially sanctions a gradual readjustment.

(5) If the cash and the value of the securities at the credit of any sinking fund are in excess of the amount which should be at its credit, the Accountant General,

Bombay, shall certify the amount of such excess sum and the Corporation may thereupon transfer the excess sum to the Municipal Fund :

Provided that the Corporation may transfer such excess sum or such portion thereof as it may determine to the Transport Fund if the sinking fund from which the transfer is made pertains to a loan which has been raised in whole or part for the purposes of the Transport Undertaking.

(*6*) If any dispute arises as to the accuracy of any certificate made by the Accountant General, Bombay, under sub-section (*4*) or (*5*) the Corporation may, after making the payment or transfer, refer the matter to the Provincial Government, whose decision shall be final.

Provisions for loans raised before the appointed day.

**116.** In the case of all loans raised before the appointed day for which the Corporation is liable the following provisions shall apply :—

(*a*) if when such loans were raised the loans were made repayable from sinking funds, the Corporation shall establish sinking funds for the repayment of such loans and shall pay into such funds such sums on such dates as may have been fixed when the loans were raised ;

(*b*) all securities and cash held on the date immediately preceding the appointed day in sinking funds established for the repayment of such loans shall be held by the Corporation as part of the sinking funds established under clause (*a*) ;

(*c*) the provisions of section 112 shall apply to such sinking funds ;

(*d*) if when any such loans were raised the loans were made repayable by equal payments of principal and interest or by equal payments of principal or by annual drawings, the Corporation shall make such payments or annual drawings on such dates and in such manner as may have been fixed when the loans were raised ;

(*e*) the provisions of section 117 shall apply to such loans.

Attachment of Municipal Fund or Transport Fund in default of repayment of loan.

**117.** (*1*) If any money borrowed by the Corporation or any interest or costs due in respect thereof is or are not repaid according to the conditions of the loan, the Provincial Government, if it has itself given the loan, may, and in other cases shall, on the application of the lender, attach the Municipal Fund or the Transport Fund or a portion of the Municipal Fund or the Transport Fund.

(*2*) After such attachment no person, except an officer appointed in this behalf by the Provincial Government, shall in any way deal with the attached Fund or portion thereof ; but such officer may do all acts in respect thereof which any municipal authority, officer or servant might have done if such attachment had not taken place and may apply the proceeds in satisfaction of the arrears and of all interest and costs due in respect thereof and of all expenses caused by the attachment and subsequent proceedings :

Provided that no such attachment shall defeat or prejudice any debt for which the Fund or portion thereof attached was previously pledged in accordance with law, and all such prior charges shall be paid out of the proceeds of the Fund or portion thereof before any part of the proceeds is applied to the satisfaction of the liability in respect of which such attachment is made.

Form of debentures.

**118.** (*1*) Debentures issued under this Act shall be in such form as the Corporation may with the previous sanction of the Provincial Government from time to time determine.

(*2*) The holder of any debenture in any form duly authorised under sub-section (*1*) may obtain in exchange therefor, upon such terms as the Corporation shall from time to time determine, a debenture in any other form so authorised.

(*3*) Every debenture issued by the Corporation under this Act shall be transferable by endorsement.

(*4*) The right to payment of the moneys secured by any of such debentures and to sue in respect thereof shall vest in the holder for the time being without any preference by reason of some of such debentures being prior in date to others.

Coupons attached to debentures to bear signature of Chairman of Standing Committee and Commissioner.

**119.** All coupons attached to debentures issued under this Act shall be signed by the Chairman of the Standing Committee and the Commissioner on behalf of the Corporation and such signatures may be engraved, lithographed or impressed by any mechanical process.

Debentures issued to two or more persons jointly.

IX of 1872.

**120.** Notwithstanding anything contained in section 45 of the Indian Contract Act, 1872—

(*1*) when any debenture or security issued under this Act is payable to two or more persons jointly, and either or any of them dies, the debenture or security shall be payable to the survivor or survivors of such persons :

Provided that nothing in this sub-section shall affect any claim by the legal representative of a deceased person against such survivor or survivors ;

(*2*) when two or more persons are joint holders of any debenture or security issued under this Act, any one of such persons may give an effectual receipt for any interest or dividend payable in respect of such debenture or security unless notice to the contrary has been given to the Corporation by any other of such persons.

Issue of duplicate securities.

**121.** (*1*) When a debenture issued under this Act is alleged to have been lost, stolen or destroyed either wholly or in part and a person claims to be the person to whom but for the loss, theft or destruction it would be payable, he may, on application to the Commissioner, and on producing proof to his satisfaction of the loss, theft or destruction and of the justice of the claim, obtain from him an order—

(*a*) if the debenture alleged to have been lost, stolen or destroyed is payable more than six years after the date of publication of the notification referred to in sub-section (*2*),—

(*i*) for the payment of interest in respect of the debenture pending the issue of a duplicate debenture, and

(*ii*) for the issue of a duplicate debenture payable to the applicant, or

(*b*) if the debenture alleged to have been lost, stolen or destroyed is payable not more than six years after the date of publication of the notification referred to in sub-section (*2*),—

(*i*) for the payment of interest in respect of the debenture without the issue of a duplicate debenture, and

(*ii*) for the payment to the applicant of the principal sum due in respect of the debenture on or after the date on which the payment becomes due.

(*2*) An order shall not be passed under sub-section (*1*) until after the issue of such notification of the loss, theft or destruction of the debenture as may be prescribed by the Corporation, and after the expiration of such period as may be prescribed by the Corporation nor until the applicant has given such indemnity as may be required by the Corporation against the claims of all persons deriving title under the debenture lost, stolen or destroyed.

(*3*) A list of the debentures in respect of which an order is passed under sub-section (*1*) shall be published in the *Official Gazette*.

(*4*) If at any time before the Corporation becomes discharged under the provisions of section 124 from liability in respect of any debenture the whole of which is alleged to have been lost, stolen or destroyed, such debenture is found, any order passed in respect thereof under this section shall be cancelled.

Renewal of debentures.

**122.** (*1*) A person claiming to be entitled to a debenture issued under this Act may, on applying to the Commissioner and on satisfying him of the justice of his claim and delivering the debenture receipted in such manner and paying such fee as may be prescribed by the Commissioner, obtain a renewed debenture payable to the person applying.

(*2*) Where there is a dispute as to the title to a debenture issued under this Act in respect of which an application for renewal has been made, the Commissioner may—

(*a*) where any party to the dispute has obtained a final decision from a Court of competent jurisdiction declaring him to be entitled to such debenture, issue a renewed debenture in favour of such party,

(*b*) refuse to renew the debenture until such a decision has been obtained, or

(*c*) after such inquiry as is hereinafter provided and on consideration of the result thereof, declare by order in writing which of the parties is in his opinion entitled to such debenture and may, after the expiration of three months from the date of such declaration, issue a renewed debenture in favour of such party in accordance with the provisions of sub-section (*1*), unless within that period he has received notice that proceedings have been instituted by any person in a Court of competent jurisdiction for the purpose of establishing a title to such debenture.

*Explanation.*—For the purposes of this sub-section the expression "final decision" means a decision which is not appealable or a decision which is appealable but against which no appeal has been filed within the period of limitation allowed by law.

(*3*) For the purposes of the inquiry referred to in sub-section (*2*) the Commissioner may himself record, or may request [1][the Presidency Magistrate specially empowered by the State Government, in Greater Bombay, and elsewhere, the District Magistrate] to record or to have recorded, the whole or any part of such evidence as the parties may produce. The Magistrate to whom such request has been made may himself record the evidence or may direct any Magistrate subordinate to him to record the evidence and shall forward the record of such evidence to the Commissioner.

(*4*) The Commissioner or any Magistrate acting under this section may, if he thinks fit, record evidence on oath.

Liability in respect of debenture renewed.

**123.** (*1*) When a renewed debenture has been issued under section 122 in favour of any person, the debenture so issued shall be deemed to constitute a new contract between the Corporation and such person and all persons deriving title thereafter through him.

(*2*) No such renewal shall affect the rights as against the Corporation of any other person to the debenture so renewed.

Discharge in certain cases.

**124.** When a duplicate debenture has been issued under section 121 or when a renewed debenture has been issued under section 122 or when the principal sum due on a debenture in respect of which an order has been made under section 121 for the payment of the principal sum without the issue of a duplicate debenture has been paid on or after the date on which such payment became due, the

[1] These words were substituted for the words beginning with the words "the Chief Presidency Magistrate" and ending with the words "First Class" by Bom. 8 of 1954, s. 2, Schedule—Part III.

Corporation shall be discharged from all liability in respect of the debenture in place of which a duplicate or renewed debenture has been so issued or in respect of which such payment has been made, as the case may be—

(*a*) in the case of a duplicate debenture, after the lapse of six years from the date of the publication of the notification referred to in sub-section (*3*) of section 121 or from the date of the last payment of interest on the original debenture, whichever date is later ;

(*b*) in the case of a renewed debenture after the lapse of six years from the date of the issue thereof ; and

(*c*) in the case of payment of the principal sum without the issue of a duplicate debenture, after the lapse of six years from the date of the publication of the notification referred to in sub-section (*3*) of section 121.

Idemnity.

**125.** Notwithstanding anything in section 122, the Commissioner may in any case arising thereunder—

(*1*) issue a renewed debenture upon receiving such indemnity in favour of the Corporation and the Commissioner as he shall think fit against the claims of all persons claiming under the original debenture, or

(*2*) refuse to issue a renewed debenture unless such indemnity is given.

Annual statement to be prepared by Commissionor.

**126.** (*1*) The Commissioner shall, at the end of each year, prepare a statement showing—

(*a*) the loans borrowed in previous years for which the Corporation is liable and which have not been completely repaid before the commencement of the year, with particulars of the amount outstanding at the commencement of the year, the date of borrowing and the annual loan charges ;

(*b*) the loans borrowed by the Corporation in the year with particulars as to the amount and the date of borrowing and the annual loan charges ;

(*c*) in the case of every loan for which a sinking fund is maintained the amount of accumulation in the sinking fund at the close of the year showing separately the amount paid to the credit of the fund in the year ;

(*d*) the loans repaid in the year and in the case of the loans repaid in instalments or by annual drawings, the amounts repaid in the year, and the balance due at the close of the year ;

(*e*) the particulars of securities in which the sinking funds have been invested or reserved therefor.

(*2*) Every such statement shall be laid before a meeting of the Corporation and shall be published in the *Official Gazette* and a copy of such statement shall be sent to the [1][State] Government and to the Accountant General, Bombay.

## CHAPTER XI.

### MUNICIPAL TAXATION.

Taxes to be imposed under this Act.

**127.** (*1*) For the purposes of this Act, the Corporation shall impose the following taxes, namely —

(*a*) property taxes :

(*b*) a tax on vehicles, boats and animals.

(*2*) In addition to the taxes specified in sub-section (*1*) the Corporation may for the purposes of this Act and subject to the provisions thereof impose any of the following taxes, namely—

(*a*) octroi ;

[1] This word was substituted for the word "Provincial" by the Adaptation of Laws Order, 1950.

(*b*) a profession tax, subject to the provisions of [1][article 276] of the [2][Constitution];

(*c*) a tax on dogs;

(*d*) a theatre tax;

(*e*) a toll on animals and vehicles, other than motor vehicles or trailers, save as provided in section 14 of the Bombay Motor Vehicles Tax Act, 1935, entering the City; Bom. XXXIV of 1935.

(*f*) any other tax which the [3][State] Legislature has power under the [2][Constitution] to impose in the [4][State].

(*3*) The municipal taxes shall be assessed and levied in accordance with the provisions of this Act and the rules.

(*4*) Nothing in this section shall authorise the imposition of any tax which the [3][State] Legislature has no power to impose in the [4][State] under the [2][Constitution].

Manner of recovering municipal taxes.

**128.** A municipal tax may be recovered by the following processes in the manner prescribed by rules:—

(*1*) by presenting a bill,

(*2*) by serving a written notice of demand,

(*3*) by distraint and sale of a defaulter's moveable property,

(*4*) by the attachment and sale of a defaulter's immovable property,

(*5*) in the case of octroi and toll, by the seizure and sale of goods and vehicles,

(*6*) in the case of property tax by the attachment of rent due in respect of the property,

(*7*) by a suit.

*Property Taxes.*

*Property-taxes leviable.*

Property taxes of what to consist and at what rate leviable.

**129.** For the purposes of sub-section (*1*) of section 127 property taxes shall comprise the following taxes which shall, subject to the exceptions, limitations and conditions hereinafter provided, be levied on buildings and lands in the City:—

(*a*) a water tax at such percentage of their rateable value as the Corporation shall deem reasonable, for providing a water supply for the City;

(*b*) a conservancy tax at such percentage of their rateable value as will in the opinion of the Corporation suffice to provide for the collection, removal and disposal, by municipal agency, of all excrementitious and polluted matter from privies, urinals and cess-pools and for efficiently maintaining and repairing the municipal drains constructed or used for the reception or conveyance of such matter, subject however to the provisos that the minimum amount of such tax to be levied in respect of any one separate holding of land or of any one building or of any one portion of a building which is let as a separate holding shall be eight annas per mensem and that the amount of such tax to be levied in respect of any hotel, club or other large premises may be specially fixed under section 137;

(*c*) a general tax of not less than twelve per cent. of their rateable value, which may be levied, if the Corporation so determines, on a graduated scale:

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[1] This word and figures were substituted for the word, figures and letter "Section 142A," by the Adaptation of Laws Order, 1950.

[2] This word was substituted for the portion " Government of India Act, 1935 ", *ibid.*

[3] This word was substituted for the word " Provincial ", *ibid.*

[4] This word was substituted for the word " Province ", *ibid.*

Provided that the Corporation may, when fixing under section 99 or section 150 the rate at which general tax shall be levied for any official year or part of an official year, determine that the rate leviable in respect of buildings and lands or portions of buildings and lands in which any particular class of trade or business is carried on shall be higher than the rate fixed in respect of other buildings and lands or portions of buildings and lands by an amount not exceeding one-half of the rate so fixed.

*Explanation.*—Where any portion of a building or land is liable to a higher rate of the general tax such portion shall be deemed to be a separate property for the purpose of municipal taxation.

**Water tax on what premises levied.**

**130.** (*1*) Subject to the provisions of section 134, the water tax shall be levied only in respect of premises—

(*a*) to which private water supply is furnished from, or which are connected by means of communication pipes with, any municipal water works ; or

(*b*) which are situated in a portion of the City in which the Commissioner has given public notice that the Corporation has arranged to supply water from municipal water works by means of private water connections or of public stand-posts, fountains or by any other means.

**Conservancy tax on what premises to be levied.**

**131.** (*1*) The conservancy tax shall be levied only in respect of premises—

(*a*) situated in any portion of the City in which public notice has been given by the Commissioner that the collection, removal and disposal of all excrementitious and polluted matter from privies, urinals and cess-pools, will be undertaken by municipal agency ; or

(*b*) in which, wherever situate, there is a privy, water-closet, cess-pool, urinal, bathing place or cooking place connected by a drain with a municipal drain :

Provided that the said tax shall not be levied in respect of any premises situated in any portion of the City specified in clause (*a*), in or upon which, in the opinion of the Commissioner, no such matter as aforesaid accumulates or is deposited.

(*2*) Premises in respect of which the Commissioner has directed that a separate water-closet, privy or urinal need not be provided shall be deemed to be liable to the levy of conservancy tax if, but for such direction, the tax would be leviable in respect thereof.

**General tax on what premises to be levied.**

**132.** (*1*) The general tax shall be levied in respect of all buildings and lands in the City except—

(*a*) buildings and lands solely used for purposes connected with the disposal of the dead ;

(*b*) buildings and lands or portions thereof solely occupied and used for public worship or for a public charitable purpose ;

(*c*) buildings and lands vesting in the [1][Government] used solely for public purposes and not used or intended to be used for purposes of trade or profit or vesting in the Corporation, in respect of which the said tax, if levied, would under the provisions hereinafter contained by primarily leviable from the [1][Government] or the Corporation, respectively.

(*2*) The following buildings and lands or portions thereof shall not be deemed to be solely occupied and used for public worship or for a public charitable purpose within the meaning of clause (*b*) of sub-section (*1*), namely :—

(*a*) buildings or lands or portions thereof in which any trade or business is carried on ; and

(*b*) buildings or lands or portions thereof in respect of which rent is derived, whether such rent is or is not applied solely to religious or charitable purposes.

1. This word was substituted for the word "Crown" by the Adaptation of Laws Order, 1950.

(*3*) Where any portion of any building or land is exempt from the general tax by reason of its being solely occupied and used for public worship or for a public charitable purpose, such portion shall be deemed to be a separate property for the purpose of municipal taxation.

Payments to be made to Corporation in lieu of general tax by [1][State] Government.

**133.** (*1*) The [1][State] Government shall pay to the Corporation annually in two half-yearly instalments payable by the 30th day of September and the 31st day of March in every year in lieu of the general tax from which buildings and lands vesting in the [2][State Government] are exempted by clause (*c*) of sub-section (*1*) of section 132, a sum ascertained in the manner provided in sub-sections (*2*) and (*3*).

(*2*) The rateable value of the buildings and lands in the City vesting in the [3][Government] and beneficially occupied, in respect of which, but for the said exemption, general tax would be leviable from the [1][State] Government shall be fixed by a person from time to time appointed in this behalf by the [1][State] Government with the concurrence of the Corporation. The said value shall be fixed by the said person, with a general regard to the provisions contained in this Act and the rules concerning the valuation of property assessable to property taxes, at such amount as he shall deem to be fair and reasonable. The decision of the person so appointed shall hold good for a term of five years, subject only to proportionate variation, if in the meantime the number or extent of the buildings and lands [4][in the City vesting in the State Government] materially increases or decreases.

(*3*) The sum to be paid annually to the Corporation by the [1][State] Government shall be eight-tenths of the amount which would be payable by an ordinary owner of buildings or lands in the City, on account of the general tax, on a rateable value of the same amount as that fixed under sub-section (*2*).

*Special provisions relating to water and conservancy taxes.*

Fixed charges and agreements for payments in lieu of taxes for water supplied.

**134.** (*1*) The Commissioner may—

(*a*) in such cases as the Standing Committee shall generally approve, instead of levying the water tax in respect of any premises liable thereto, charge for the water supplied to such premises by measurement at such rate as shall from time to time be prescribed by the said Committee in this behalf or by the size of the water connection with the municipal main and the purpose for which the water is supplied at such rates as shall from time to time be prescribed by the Corporation,

(*b*) in such cases as the Standing Committee shall generally approve, compound with any person for the supply of water to any premises for a renewable term of one or more years not exceeding five, on payment of a fixed periodical sum in lieu of the water tax or charge by measurement or by the size of the water connection which would otherwise be leviable from such person in respect of the said premises.

(*2*) The Standing Committee may, for the cases in which the Commissioner charges for water by measurement or by the size of the water connection under clause (*a*) of sub-section (*1*), from time to time prescribe such conditions as it shall think fit as to the use of the water and as to the charge to be paid for water consumed whilst a meter is out of order or under repair; and for the cases in which a composition is made under clause (*b*) of the said sub-section the said Committee may prescribe such conditions as to the use of the water as it shall think fit:

Provided that no condition prescribed under this sub-section shall be inconsistent with this Act or rules or bye-laws.

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[1] This word was substituted for the word "Provincial" by the Adaptation of Laws Order, 1950.
[2] These words were substituted for the words "the Crown for the purposes of the Province", *ibid.*
[3] This word was substituted for the word "Crown",, *ibid.*
[4] This portion was substituted for the portion "vesting in the Crown in the City for the purpose of the Province", *ibid.*

(*3*) A person who is charged for water by measurement or by the size of the water connection or who has compounded for a fixed periodical sum shall not be liable for payment of the water-tax, but any sum payable by him on account of water shall, if not paid when it becomes due, be recoverable by the Commissioner as if it were an arrear of water-tax.

Crown to be charged for water by measurement.

**135.** If, in respect of premises used solely for public purposes and not used or intended to be used for purposes of profit or for residential, charitable or religious purposes, water tax would be leviable under this Act from the Crown, the Commissioner, in lieu of levying such tax, shall charge for the water supplied to such premises, by measurement, at such rate as shall be prescribed by the Standing Committee in this behalf not exceeding the minimum rate at the time being charged under clause (*a*) of sub-section (*1*) of section 134 to any other person; and such charge shall be recoverable as provided in sub-section (*3*) of the said section.

Supply of water at public drinking fountains etc., not to be taxed.

**136.** No tax or charge of any kind shall be levied or demanded for the use of water in or from any drinking fountain, tank, reservoir, cistern, pump, well, duct, stand-pipe or other work used for the gratuitous supply of water to the inhabitants of the City and vesting in the Corporation:

Provided that the water in or from any such work shall be used only for personal or domestic purposes and not for the purpose of business or sale.

Conservancy tax may be fixed at special rates in certain cases.

**137.** (*1*) The Commissioner may, whenever he thinks fit, fix the conservancy tax to be paid in respect of any hotel, club, stable or other large premises at such special rate as shall be generally approved by the Standing Committee in this behalf, whether the service in respect of which such tax is leviable be performed by human labour or by substituted means or appliances.

(*2*) In the case of premises used solely for public purposes and not used or intended to be used for purposes of profit or for residential or charitable or religious purposes in respect of which the conservancy tax is payable by the Crown the Commissioner shall fix the said tax at a special rate approved as aforesaid.

(*3*) In any such case the amount of the conservancy tax shall be fixed with reference to the cost or probable cost of the collection, removal and disposal, by the agency of municipal conservancy staff, of excrementitious and polluted matter from the premises.

Water tax or conservancy tax paid by any person may be recovered by him from the occupier of the premises for which it is paid.

**138.** (*1*) Any person who has paid to the Commissioner any water tax or conservancy tax in respect of any premises shall, if he was not himself in occupation of the said premises during the period for which he has made such payment and subject to any agreement or contract to the contrary, be entitled to receive the amount of the said payment from the person, if any, in actual occupation of the said premises for the said period.

(*2*) For the recovery of the said amount from the person aforesaid, the person who has paid the same shall have the same rights and remedies as if such amount were rent payable to him by the person from whom he is entitled to receive the same.

*Liability for Property Taxes.*

Primary responsibility for property taxes on whom to rest.

**139.** (*1*) Subject to the provisions of sub-section (*2*) property taxes assessed upon any premises shall be primarily leviable as follows, namely:—

(*a*) if the premises are held immediately from the Crown or from the Corporation, from the actual occupier thereof:

Provided that property taxes due in respect of buildings vesting in the Crown and occupied by servants of the Crown or other persons on payment of rent shall be leviable primarily from the Crown ;

(*b*) if the premises are not so held—

(*i*) from the lessor if the premises are let ;

(*ii*) from the superior lessor if the premises are sub-let ;

(*iii*) from the person in whom the right to let the premises vests if they are unlet.

(*2*) If any land has been let for any term exceeding one year to a tenant, and such tenant has built upon the land, the property taxes assessed upon the said land and upon the building erected thereon shall be primarily leviable from the said tenant or any person deriving title from the said tenant by the operation of law or by assignment or transfer but not by sub-lease or the legal representative of the said tenant or person whether the premises be in the occupation of the said tenant or person or legal representative or a sub-tenant.

When occupiers may be held liable for payment of property taxes.

**140.** (*1*) If the sum due on account of any property tax remains unpaid after a bill for the same has been duly served under the rules upon the person primarily liable for the payment thereof and the said person be not the occupier for the time being of the premises in respect of which the tax is due, the Commissioner may serve a bill for the amount upon the occupier of the said premises, or, if there are two or more occupiers thereof, may serve a bill upon each of them for such portion of the sum due as bears to the whole amount due the same ratio which the rent paid by such occupier bears to the aggregate amount of rent paid by them both or all in respect of the said premises.

(*2*) If the occupier or any of the occupiers fails within thirty days from the service of any such bill to pay the amount therein claimed, the said amount may be recovered from him in accordance with the rules.

(*3*) No arrear of a property-tax shall be recovered from any occupier under this section which has remained due for more than one year, or which is due on account of any period for which the occupier was not in occupation of the premises on which the tax is assessed.

(*4*) If any sum is paid by, or recovered from, an occupier under this section, he shall be entitled to credit therefor in account with the person primarily liable for the payment of the same.

Property-taxes to be a first charge on premises on which they are assessed.

**141.** (*1*) Property-taxes due under this Act in respect of any building or land shall, subject to the prior payment of the land revenue, if any, due to the Provincial Government thereupon, be a first charge, in the case of any building or land held immediately from the Crown, upon the interest in such building or land of the person liable for such taxes and upon the moveable property, if any, found within or upon such building or land and belonging to such person ; and, in the case of any other building or land, upon the said building or land and upon the moveable property, if any, found within or upon such building or land and belonging to the person liable for such taxes.

*Explanation.*—The term " property-taxes " in this section shall be deemed to include charges payable under section 134 for water supplied to any premises and the costs of recovery of property taxes as specified in the rules.

(*2*) In any decree passed in a suit for the enforcement of the charge created by sub-section (*1*), the Court may order the payment to the Corporation of interest on the sum found to be due at such rate as the Court deems reasonable from the

date of the institution of the suit until realisation, and such interest and the cost of enforcing the said charge, including the costs of the suit and the cost of bringing the premises or moveable property in question to sale under the decree, shall, subject as aforesaid, be a fresh charge on such premises and moveable property along with the amount found to be due, and the Court may direct payment thereof to be made to the Corporation out of the sale proceeds.

*Tax on Vehicles, Boats and Animals.*

Tax on vehicles, boats and animals.

**142.** (*1*) Except as hereinafter provided, a tax at rates not exceeding those prescribed by order in writing by the Provincial Government in this behalf from time to time shall be levied on vehicles, boats and animals of the descriptions specified in the order, when kept for use in the City for the conveyance of passengers or goods in the case of vehicles and boats and for riding, racing, draught or burden in the case of animals.

*Explanation.*—A vehicle, boat or animal kept outside the limits of the City but regularly used within such limits shall be deemed to be kept for use in the City.

(*2*) The Corporation shall from year to year, in accordance with section 99, determine the rates at which the tax shall be levied.

Exemptions from the tax.

**143.** (*1*) The said tax shall not be leviable in respect of—

(*a*) vehicles, boats and animals belonging to the Corporation other than vehicles or animals used exclusively for the purposes of the Transport Undertaking ;

(*b*) vehicles, boats and animals vesting in the Crown and used solely for public purposes and not used or intended to be used for purposes of profit, including vehicles, boats and animals belonging to the Defence Forces ;

(*c*) vehicles and boats intended exclusively for the conveyance free of charge of the injured, sick or dead ;

(*d*) children's perambulators and tricycles ;

(*e*) vehicles belonging to municipal officers or servants who are required by the terms of their appointment to maintain a conveyance for the discharge of their duties :

Provided that the exemption granted by this clause will not be available in respect of more than one vehicle for each officer or in respect of a vehicle which does not belong to the class of conveyance which the officer is required to maintain ;

(*f*) vehicles or boats kept by *bona fide* dealers in vehicles or boats for sale merely, and not used :

Provided that a tax at such rate as the Corporation shall with the approval of the Provincial Government fix in this behalf shall be levied half yearly in advance from every dealer in motor vehicles for every seven motor vehicles in respect of which a Trade Certificate is issued to him under rules made under the Motor Vehicles Act, 1939.

IV of 1939.

(*2*) If any question arises under clause (*b*) of sub-section (*1*) whether any vehicle, boat or animal vesting in the Crown is or is not used or intended to be used for purposes of profit, such question shall be determined by the Provincial Government whose decision shall be final.

Livery-stable keepers and others may be compounded with.

**144.** The Commissioner may, with the approval of the Standing Committee, compound with any livery-stable keeper or other person keeping vehicles or horses or bullocks for hire, or with any dealer having stables in which horses are kept for sale on commission or otherwise, for the payment of a lump sum for any period not exceeding one year at a time, in lieu of the taxes leviable under section 142 which such livery-stable keeper or other person or dealer would otherwise be liable to pay.

Power to inspect stables and summon persons liable to the tax.

**145.** (*1*) The Commissioner may make an inspection of any stable, garage or coach-house or any place wherein he may have reason to believe that there is any vehicle, boat or animal liable to a tax under this Act.

(*2*) The Commissioner may, by written summons, require the attendance before him of any person whom he has reason to believe to be liable to the payment of a tax in respect of a vehicle, boat or animal, or of any servant of any such person, and may examine such person or servant as to the number and description of vehicles, boats and animals owned by or in the possession or under the control of such person; and every person so summoned shall be bound to attend before the Commissioner and to give true information to the best of his knowledge or belief, as to the said matters.

*Exemptions from Octroi.*

Exemption of articles belonging to Crown from octroi, and refund of octroi on articles becoming property of Crown.

**146.** (*1*) No octroi shall be leviable on any article which, at the time of its importation, is certified by an officer empowered by the Government concerned in this behalf to be the property of the Crown, to be used or intended to be used solely for public purposes and not to be used or intended to be used for purposes of profit.

(*2*) If any article on which octroi is paid is imported under a written declaration signed by the importer that such article is being imported for the purpose of fulfilling a specified contract with the Government or otherwise for the use of the Crown, the full amount of the duty paid thereon shall be refunded on production, at any time within six months after importation, of a certificate signed by an officer empowered by the Government concerned in this behalf certifying that the article so imported has become the property of the Crown, is used or intended to be used solely for a public purpose and is not used or intended to be used for purposes of profit.

Articles imported for immediate exportation.

**147.** Until the contrary is proved any goods imported into the City shall be presumed to have been imported for the purposes of consumption, use or sale therein unless such goods are conveyed from the place of import to the place of export by such routes, within such time, under such supervision and on payment of such fees therefor as shall be determined by the standing orders.

*Exemptions from Theatre Tax.*

Exemptions from theatre tax.

**148.** The theatre tax shall not be leviable in respect of—

(*a*) any entertainment or amusement for admission to which no charge is made or only a nominal charge is made;

(*b*) any entertainment or amusement which is not open to the general public on payment;

(*c*) any entertainment or amusement the full proceeds of which, without the deduction of expenses, are intended to be utilised for a public charitable purpose.

*Explanation.*—For the purposes of this section a nominal charge shall be such charge as may be fixed by the rules.

*Other taxes.*

Procedure to be followed in levying other taxes.

**149.** (*1*) In the event of the Corporation deciding to levy any of the taxes specified in sub-section (*2*) of section 127, it shall make detailed provision, in so far as such provision is not made by this Act, in the form of rules, modifying, amplifying or adding to the rules at the time in force for the following matters, namely :—

(*a*) the nature of the tax, the rates thereof, the class or classes of persons, articles or properties liable thereto and the exemptions therefrom, if any, to be granted;

(*b*) the system of assessment and method of recovery and the powers exercisable by the Commissioner or other officers in the collection of the tax ;

(*c*) the information required to be given of liability to the tax ;

(*d*) the penalties to which persons evading liability or furnishing incorrect or misleading information or failing to furnish information may be subjected ;

(*e*) such other matters, not inconsistent with the provisions of this Act, as may be deemed expedient by the Corporation :

Provided that no rules shall be made by the Corporation in respect of any tax coming under clause (*f*) of sub-section (*2*) of section 127 unless the Provincial Government shall have first given provisional approval to the selection of the tax by the Corporation.

(*2*) The rules shall be submitted by the Corporation to the Provincial Government and the Provincial Government may either refuse to sanction them or refer them back to the Corporation for further consideration or sanction them either as they stand or with such modifications as it thinks fit, not, however, involving an increase in the rate or rates of the levy or the extent thereof.

(*3*) Any sanction given by the Provincial Government under sub-section (*2*) shall become operative on such date not earlier than one month from the date of the sanction as the Provincial Government shall specify in the order of sanction, and the Corporation shall be competent to levy the tax covered by the sanction as from the date so specified.

(*4*) The Corporation and the Provincial Government shall take such steps as may be practicable to ensure that the date specified in the order of sanction is the first day of April, unless the sanction is given in pursuance of a proposal for supplementary taxation under section 150 :

Provided that nothing in sub-section (*4*) shall affect the power of the Corporation to levy a tax as from a date later than the first day of April if the sanction of the Provincial Government is not given by the first day of March immediately preceding and if the Provincial Government in the order of sanction specifies a date later than the first day of April for the commencement of the levy of the tax.

(*5*) The provisions of this section shall apply, as far as may be, to any alterations which the Corporation may from time to time decide to make in the rates fixed for any tax, or in the class or classes of persons, articles, or properties liable thereto or in the exemptions therefrom, if any, to be granted.

*Supplementary Taxation.*

**150.** Whenever the Corporation determines under section 104 to have recourse to supplementary taxation in any official year, it shall do so by increasing, for the unexpired portion of the said year, the rates at which any tax imposable under this Act is being levied, subject to the limit and conditions for such tax prescribed in this Act or in the orders or sanction of the Provincial Government or by levying, with due sanction, a tax imposable under this Act but not being levied at the time being.

Any tax imposable under this Act may be increased or newly imposed by way of imposing supplementary taxation.

*Refunds.*

Refunds of taxes how obtainable.

**151.** Refunds of a municipal tax shall be claimable in the manner and subject to the conditions prescribed by rules.

*Writing off of taxes.*

Writing off of irrecoverable taxes.

**152.** The Commissioner may, with the approval of the Standing Committee, from time to time write off any sum due on account of any tax or of the costs of recovering any tax, which shall, in his opinion, be irrecoverable.

## CHAPTER XII.

### DRAINS AND DRAINAGE.

*Municipal Drains.*

Drains to be constructed and kept in repair by the Commissioner.

**153.** (*1*) The Commissioner shall maintain and keep in repair all municipal drains and shall with the approval of the Corporation construct such new drains as shall from time to time be necessary for effectually draining the City.

(*2*) The Commissioner shall also, in the case of any street in which there is a municipal drain, construct at the charge of the Municipal Fund such portion of the drain of any premises to be connected with such municipal drain as it shall be necessary to lay under any part of such street and the portion of any connecting drains so laid under the street shall vest in the Corporation and be maintained and kept in repair by the Commissioner as a municipal drain.

Adoption by Corporation of drains and drainage or sewage disposal works.

**154.** (*1*) The Commissioner may at any time with the approval of the Corporation declare that any drain or part thereof or any drainage or sewage disposal works situate within the City or serving the City or any part thereof shall, from such date as may be specified in the declaration, become vested in the Corporation :

Provided that, when the Commissioner proposes to make a declaration under this sub-section, he shall give written notice of the proposal to the owner or owners of the drain or works in question and shall take no further action in the matter until either one month has elapsed without an objection against his proposal being lodged under sub-section (*2*) or, as the case may be, until any objection so lodged has been duly considered.

(*2*) An owner aggrieved by the proposal of the Commissioner to make a declaration under sub-section (*1*) may, within one month after notice of the proposal is served upon him, appeal to the Provincial Government or to such officer of the Provincial Government as the Provincial Government may designate by order in the *Official Gazette* in this behalf and shall, if he so appeals, give written intimation of the fact to the Commissioner.

(*3*) After consideration of an appeal under sub-section (*2*), and after making such inquiries as may be necessary, the Provincial Government or the said officer may with due regard to the provisions of sub-section (*4*) allow or disallow the proposal of the Commissioner and may, if it or he thinks fit, specify conditions, including conditions as to the payment of compensation by the Commissioner, subject to which it or he allows the proposal.

(*4*) The Commissioner in deciding whether a declaration should b made under sub-section (*1*) shall have regard to all the circumstances of the case and, in particular, to the following considerations :—

(*a*) whether the drain or works in question is or are adapted to, or required for, any general system of drainage or drainage disposal or sewage disposal which the Commissioner has provided, or proposes to provide, for the City or any part thereof;

(*b*) whether the drain is constructed under a street or under land reserved by or under the provisions of this Act or any other law for the time being in force for a street;

(*c*) the number of buildings which the drain is intended to serve, and whether, regard being had to the proximity of other buildings or the prospect of future development, it is likely to be required to serve additional buildings;

(*d*) the method of construction and state of repair of the drain or works; and

(*e*) whether the making of the proposed declaration would be seriously detrimental to the owner of the drain or works in question.

(*5*) Any person who immediately before the making of a declaration under sub-section (*1*) was entitled to use thedrain in question shall be entitled to use it, or any drain substituted therefor, to the same extent as if the declaration had not been made.

(*6*) When the Commissioner is about to take into consideration the question of making a declaration under sub-section (*1*) with respect to a drain or drainage or sewage disposal works situate within the jurisdiction of some local authority other than the Corporation or situate within the City but serving an area, or part of an area, within the jurisdiction of such local authority, he shall give notice to that authority and no declaration shall be made by him until either that authority has consented thereto or the Provincial Government, on an application made to it, has dispensed with the necessity of such consent, either unconditionally or subject to such conditions as it may think fit to impose.

(*7*) When the Commissioner has made a declaration under sub-section (*1*) with respect to a drain or drainage disposal or sewage disposal works situate within the jurisdiction of some local authority other than the Corporation he shall forthwith give notice of the fact to such authority.

(*8*) The Commissioner shall not make a declaration under sub-section (*1*) with respect to any drain or part of a drain or any works if that drain or part of a drain or those works is or are vested in some local authority other than the Corporation or in the Central Government or a railway administration, except on the request of the authority, Government or administration concerned.

Powers for making drains.

**155.** (*1*) The Commissioner may carry any municipal drain through, across or under any street, or any place laid out as or intended for a street or under any cellar or vault which may be under any street, and, after giving reasonable notice in writing to the owner or occupier, into, through or under any land whatsoever within the City, or, for the purpose of outfall or distribution of sewage, without the City.

(*2*) The Commissioner may enter upon, and construct any new drain in the place of an existing drain in, any land wherein any municipal drain has been already lawfully constructed, or repair or alter any municipal drain so constructed.

Alteration and discontinuance of drains.

**156.** The Commissioner may enlarge, alter the course of, lessen, arch over or otherwise improve any municipal drain, and may discontinue, close up or destroy any such drain which has, in his opinion, become useless or unnecessary or prohibit the use of any such drain either entirely or for the purpose of foul water drainage or for the purpose of surface drainage :

Provided that, if by reason of anything done under this section any person is deprived of the lawful use of any drain, the Commissioner shall, as soon as may be, provide for his use some other drain as effectual as the one which has been discontinued, closed up or destroyed or the use of which has been prohibited.

Cleansing drains.

**157.** (*1*) The municipal drains shall be so constructed, maintained and kept as to create the least practicable nuisance and shall be from time to time properly flushed, cleansed and emptied.

(*2*) For the purpose of flushing, cleansing, and emptying the said drains, the Commissioner may construct or set up such reservoirs, sluices, engines and other works, as he shall from time to time deem necessary.

*Drains of Private Streets and Drainage of Premises.*

Power to connect drain of private street with municipal drain.

**158.** The owner of a private street shall be entitled to connect the drain of such street with a municipal drain subject to the conditions laid down in the rules.

Right of owners and occupiers of buildings and lands to drain into municipal drains.

**159.** (*1*) Subject to the provisions of this section, the owner or occupier of any premises shall be entitled to cause his drain to empty into a municipal drain or other place legally set apart for the discharge of drainage :

Provided that nothing in this sub-section shall entitle any person—

(*a*) to discharge directly or indirectly into any municipal drain any trade effluent except in accordance with the provisions of section 166 or any liquid or other matter the discharge of which is prohibited by or under this Act or any other law for the time being in force ;

(*b*) where separate municipal drains are provided for foul water and for surface water, to discharge directly or indirectly—

(*i*) foul water into a drain provided for surface water ; or

(*ii*) except with the permission of the Commissioner surface water into a drain provided for foul water ; or

(*c*) to have his drain made to communicate directly with a storm-water overflow drain.

(*2*) Every person desirous of availing himself of the provisions of sub-section (*1*) shall obtain the written permission of the Commissioner and shall comply with such conditions as the Commissioner may prescribe as to the mode in which and the superintendence under which connections with municipal drains or other places aforesaid are to be made.

(3) The Commissioner may, if he thinks fit, in lieu of giving permission under sub-section (2) to any person to have his drain or sewer connected with a municipal drain or other place as aforesaid himself connect after giving notice to the person concerned within fourteen days of the receipt of his application, and the reasonable expenses of any work so done shall be paid by the person aforesaid.

Powers of Commissioner to require drain or proposed drain to be so constructed as to form part of general system.

**160.** (1) Where a person proposes to construct a drain, the Commissioner may, if he considers that the proposed drain is, or is likely to be, needed to form part of a general drainage system which the Corporation has provided or proposes to provide, require him to construct the drain in a manner differing, as regards material or size of pipes, depth, fall, direction or outfall, or otherwise, from the manner in which he proposes, or could otherwise be required by the Commissioner, to construct it, and it shall be his duty to comply with the requirements of the Commissioner.

(2) No person who under this section has been required by the Commissioner to construct a drain in a particular manner shall construct it or cause it to be constructed otherwise than in accordance with the requirements of the Commissioner.

(3) The Commissioner shall repay from the Municipal Fund to the person constructing a drain in accordance with a requirement under sub-section (1), the entire expenses reasonably incurred by him in complying with such requirement and, until the drain becomes a municipal drain, he shall also from time to time repay to him from the Municipal Fund so much of any expenses reasonably incurred by him in repairing or maintaining it as may be attributable to the requirement having been made and complied with.

Connections with municipal drains not to be made except in conformity with section 158 or 159.

**161.** No person shall, without complying with the provisions of section 158 or 159, as the case may be, and the rules, make or cause to be made any connection of a drain belonging to himself or to some other person with any municipal drain or other place legally set apart for the discharge of drainage; and the Commissioner may close, demolish, alter or remake any such connection made in contravention of this section, and the expenses incurred by the Commissioner in so doing shall be paid by the owner of the street, or the owner or occupier of the premises, for the benefit of which the connection was made, or by the person offending.

Right of owners and occupiers of premises to carry drain through land belonging to other persons.

**162.** (1) If it shall appear to the Commissioner that the only means or the most convenient means by which the owner or occupier of any premises can cause his drain to empty into a municipal drain or other place legally set apart for the discharge of drainage, is by carrying the same into, through or under any land belonging to some person other than the said owner or occupier, the Commissioner, after giving to the owner of the land a reasonable opportunity of stating any objection, may, if no objection is raised, or if any objection which is raised appears to him invalid or insufficient, by an order in writing, authorise the said owner or occupier to carry his drain into, through or under the said land in such manner as he shall think fit to allow.

(2) Every such order, bearing the signature of the Commissioner, shall be a complete authority to the person in whose favour it is made, or to any agent or person employed by him for this purpose after giving or tendering to the owner of the land reasonable written notice of his intention so to do, to enter upon the said land with assistants stand workmen, at any time between sunrise and sunset and to execute the necessary work.

(*3*) Subject to all other provisions of this Act, the owner or occupier of any premises, or any agent or person employed by him for this purpose, may, after giving or tendering to the owner of any land, wherein a drain has been already lawfully constructed for the drainage of his said premises, reasonable written notice of his intention so to do, enter upon the said land with assistants and workmen, at any time between sunrise and sunset and construct a new drain in the place of the existing drain or repair or alter any drain so constructed.

(*4*) In executing any work under this section as little damage as may be shall be done, and the owner or occupier of the premises for the benefit of which the work is done shall—

(*a*) cause the work to be executed with the least practicable delay;

(*b*) fill in, reinstate and make good, at his own cost and with the least practicable delay, the ground or portion of any building or other construction opened, broken up or removed for the purpose of executing the said work;

(*c*) pay compensation to any person who sustains damage by the execution of the said work.

(*5*) If the owner of any land, into, through or under which a drain has been carried under this section whilst such land was unbuilt upon, shall subsequently at any time desire to erect a building on such land, the Commissioner shall by written notice require the owner or occupier of the premises for the benefit of which such drain was constructed to close, remove or divert the same in such manner as shall be approved by the Commissioner, and to fill in, reinstate and make good the land as if the drain had not been carried into, through or under the same:

Provided that no such requisition shall be made, unless, in the opinion of the Commissioner, it is necessary or expedient, in order to admit of the construction of the proposed building or the safe enjoyment thereof, that the drain be closed, removed or diverted.

Owner of land to allow others to carry drains through the land.

**163.** Every owner of land shall be bound to allow any person in whose favour an order has been made under sub-section (*1*) of section 162 to carry a drain into, through or under the land of such owner on such terms as may be prescribed in such order.

Commissioner may enforce drainage of undrained premises situate within hundred feet of municipal drain.

**164.** Where any premises are, in the opinion of the Commissioner, without sufficient means of effectual drainage and a municipal drain or some place legally set apart for the discharge of drainage is situated at a distance not exceeding one hundred feet from some part of the said premises, the Commissioner may, by written notice, require the owner or occupier of the said premises—

(*a*) to make a drain of such material, size and description and laid at such level and according to such alignment and with such fall and outlet as may appear to the Commissioner necessary, emptying into such municipal drain or place aforesaid at such point as the Commissioner may consider suitable:

Provided that, where any premises have already been drained under municipal requirements and have to be redrained, no such requisition shall be made without the previous sanction of the Standing Committee;

(*b*) to provide and set up all such appliances and fittings as may appear to the Commissioner necessary for the purposes of gathering and receiving the drainage from, and conveying the same off, the said premises and of effectually flushing such drain and every fixture connected therewith;

(*c*) to remove any existing drain, or other appliance or thing used or intended to be used for drainage, which in the opinion of the Commissioner is injurious to health;

(*d*) to provide a closed drain in substitution of an open drain or to provide such other appliance or thing either newly or in substitution of any existing appliance or thing or to provide both a closed drain and such other appliance or thing in substitution of the existing open drain and other appliance or thing, which is, or which is likely to be, injurious to health;

(*e*) to provide and set up all such appliances and fittings as may appear to the Commissioner to be necessary for the purpose of gathering and receiving the waste water from floors and galleries of buildings when they are washed, and conveying the same through spouts, by down-take pipes, so as to prevent such waste water from discharging directly on streets or inside any lower portion of the premises.

Commissioner may enforce drainage of undrained premises not situate within hundred feet of municipal drain.

**165.** (*1*) Where any premises are, in the opinion of the Commissioner, without sufficient means of effectual drainage, but no municipal drain or such place as aforesaid is situated at a distance not exceeding one hundred feet from some part of the said premises, the Commissioner may, by written notice, require the owner or occupier of the said premises—

(*a*) to construct a drain up to a point to be prescribed in such notice, but not distant more than one hundred feet from some part of the said premises; or

(*b*) to construct a closed cesspool of such material, size and description in such position, at such level, and with allowance for such fall as the Commissioner thinks necessary and drain or drains emptying into such cesspool.

(*2*) Any requisition for the construction of any drain under sub-section (*1*) may comprise any detail specified in section 164.

Special provisions relating to trade effluent.

**166.** Subject to the provisions of this Act, rules and by-laws, the occupier of any trade premises may, with the consent of the Commissioner, or so far as may be permitted by any such rules or by-laws without such consent, discharge into the municipal drains any trade effluent proceeding from those premises.

Power of Commissioner to drain premises in combination.

**167.** (*1*) Where the Commissioner is of opinion that any group or block of premises, any part of which is situated within one hundred feet of a municipal drain, or other place legally set apart for the discharge of drainage, already existing or about to be constructed, may be drained more economically or advantageously in combination than separately, the Commissioner may cause such group or block of premises to be drained by such method as appears to the Commissioner to be best suited therefor, and the expenses incurred by the Commissioner in so doing shall be paid by the owners of such premises in such proportions as the Commissioner thinks fit.

(*2*) Not less than fifteen days before any work under this section is commenced the Commissioner shall give written notice to the owners of all the premises to be drained, of—

(*a*) the nature of the intended work,

(*b*) the estimated expenses thereof, and

(*c*) the proportion of such expenses payable by each owner.

(*3*) The owners for the time being of the several premises constituting a group or block drained under sub-section (*1*) shall be the joint owners of every drain constructed, erected or fixed, or continued for the special use and benefit only of such premises, and shall in the proportions in which it is determined that the owners

of such premises are to contribute to the expenses incurred by the Commissioner under sub-section (*1*), be responsible for the expense of maintaining every such drain in good repair and efficient condition:

Provided that every such drain shall from time to time be flushed, cleansed and emptied by the Commissioner at the charge of the Municipal Fund.

Commissioner may close or limit the use of existing private drains.

**168.** (*1*) Where a drain connecting any premises with a municipal drain or other place legally set apart for the discharge of drainage, though sufficient for the effectual drainage of the said premises and otherwise unobjectionable, is not, in the opinion of the Commissioner, adapted to the general drainage system of the City or of the part of the City in which such drain is situated, the Commissioner may—

(*a*) subject to the provision of sub-section (*2*), close, discontinue, or destroy the said drain and cause any work necessary for that purpose to be done;

(*b*) direct that such drain shall, from such date as he may specify in this behalf, be used for sullage and sewage only, or for rainwater only or for unpolluted sub-soil water only, or for both rain-water and unpollutted sub-soil water only, and by written notice require the owner or occupier of the premises to make an entirely distinct drain for rainwater or unpolluted sub-soil water, or for both rainwater and unpolluted sub-soil water, or for sullage and sewage.

(*2*) No drain may be closed, discontinued or destroyed by the Commissioner under item (*a*) in sub-section (*1*) except on condition of his providing another drain as effectual for the drainage of the premises and communicating with any municipal drain or other place aforesaid which the Commissioner thinks fit; and the expense of the construction of any drain so provided by the Commissioner and of any work done under the said item shall be paid by the Commissioner.

(*3*) Any requisition made by the Commissioner under item (*b*) of sub-section (*1*) may embrace any detail specified in item (*a*) or (*b*) in section 164.

Vesting and maintenance of drains for sole use of properties.

**169.** Subject to the provisions of sub-section (*2*) of section 153, every drain which has been constructed, laid, erected or set up, whether at the expense of the Corporation or not, or which is continued for the sole use and benefit of any premises or group of premises shall—

(*a*) notwithstanding anything contained in section 170, vest in the owner of such premises or group of premises on and from the appointed day;

(*b*) be provided with all such further appliances and fittings as may appear to the Commissioner necessary for the more effectual working of the same, and also be maintained in good repair and efficient condition by the owner of such premises or group of premises, and be from time to time flushed, cleansed and emptied by the Commissioner at the charge of the Municipal Fund.

Right of Corporation to drains, etc., constructed, etc., at charge of Municipal Fund on premises not belonging to Corporation.

**170.** All drains, ventilation-shafts and pipes and all appliances and fittings connected with drainage works constructed, erected or set up at any time at the charge of the Municipal Fund or at the charge of the funds of any local authority having jurisdiction in any part of the City before the appointed day upon any premises not belonging to the Corporation and otherwise than for the sole use and benefit of the premises or group of premises shall, unless the Corporation has otherwise determined, vest in the Corporation.

New building not to be erected without drains.

**171.** (*1*) It shall not be lawful newly to erect any building, or to re-erect any building, or to occupy any building newly erected or re-erected unless and until—

(*a*) a drain be constructed of such size, material and description, at such level and with such fall as shall appear to the Commissioner to be necessary for the effectual drainage of such building;

(*b*) there have been provided for and set up in such building and in the premises appurtenant thereto, all such appliances and fittings as may appear to the Commissioner to be necessary for the purposes of gathering and receiving the drainage from, and conveying the same off, the said building and the said premises, and of effectually flushing the drain of the said building and every fixture connected therewith.

(*2*) The drain to be constructed as aforesaid shall empty into a municipal drain or into some place legally set apart for the discharge of drainage situated at a distance not exceeding one hundred feet from the premises in which such building is situated; but if no such drain or place is within that distance then such drain shall empty into such cesspool as the Commissioner directs.

Obligation of owners of drains to allow use or joint ownership to others.

**172.** Every owner of a drain connected with a municipal drain or other place legally set apart for the discharge of drainage shall be bound to allow the use of it to others, or to admit other persons as joint owners thereof, on such terms as may be prescribed under section 173.

How right of use or joint ownership of a drain may be obtained by a person other than the owner.

**173.** (*1*) Any person desiring to drain his premises into a municipal drain through a drain of which he is not an owner, may make a private arrangement with the owner for permitting his use of the drain, or may apply to the Commissioner for authority to use such drain or to be declared joint owner thereof.

(*2*) Where the Commissioner is of opinion, whether on receipt of such application or otherwise, that the only, or the most convenient, means by which the owner or occupier of any premises can cause the drain of such premises to empty into a municipal drain or other place legally set apart for the discharge of drainage is through a drain communicating with such municipal drain or place aforesaid but belonging to some person other than the said owner or occupier, the Commissioner, after giving the owner of the drain a reasonable opportunity of stating any objection thereto, may, if no objection is raised or if any objection which is raised appears to him invalid or insufficient, by an order in writing, either authorize the said owner or occupier to use the drain or declare him to be a joint owner thereof, on such conditions as to the payment of rent or compensation and as to connecting the drain of the said premises with the communicating drain and as to the respective responsibilities of the parties for maintaining, repairing, flushing, cleansing and emptying the joint drain, or otherwise, as may appear to him equitable.

(*3*) Every such order bearing the signature of the Commissioner shall be a complete authority to the person in whose favour it is made, or to any agent or person employed by him for this purpose, after giving or tendering to the owner of the drain the compensation or rent specified in the said order and otherwise fulfilling, as far as possible, the conditions of the said order, and after giving to the owner of the drain reasonable written notice of his intention so to do, to enter upon the land in which the said drain is situate with assistants and workmen, at any

time between sunrise and sunset, and, subject to all provisions of this Act, to do all such things as may be necessary for—

(*a*) connecting the two drains; or

(*b*) renewing, repairing or altering the connection; or

(*c*) discharging any responsibility attaching to the person in whose favour the Commissioner's order is made for maintaining, repairing, flushing, cleansing or emptying the joint drain or any part thereof.

(*4*) In respect of the execution of any work under sub-section (*3*) the person in whose favour the Commissioner's order is made shall be subject to the same restrictions and liabilities which are specified in sub-section (*4*) of section 162.

Sewage and rain water drains to be distinct.

**174.** Whenever it is provided in this Chapter that steps shall or may be taken for the effectual drainage of any premises, the Commissioner may require that there shall be one drain for sullage, excrementitious matter and polluted water and another and an entirely distinct drain for rainwater and unpolluted sub-soil water or for both rainwater and unpolluted sub-soil water, each emptying into separate municipal drains or other places legally set apart for the discharge of drainage or other suitable places.

Affixing of pipes for ventilation of drains, etc.

**175.** (*1*) For the purpose of ventilating any drain or cesspool, whether belonging to the Corporation or to any other person, the Commissioner may erect upon any premises or affix to the outside of any building or to any tree any such shaft or pipe as shall appear to the Commissioner necessary and cut through any projection from any building including the eaves of any roof thereof in order to carry up such shaft or pipe through any such projection and lay in, through, or under any land such appliances as may in the opinion of the Commissioner be necessary for connecting such ventilating shaft or pipe with the drain or cesspool intended to be ventilated.

(*2*) Such shaft or pipe shall be erected or affixed or removed in the manner laid down in the rules.

(*3*) If the Commissioner declines to remove a shaft or pipe under the rules, the owner of the premises, building or tree, upon or to which the same has been erected or affixed, may apply to the Judge, within fifteen days of the receipt by him of the reply of the Commissioner.

(*4*) Where the owner of any building or land cut through, opened or otherwise dealt with under sub-section (*1*) is not the owner of the drain or cesspool intended to be ventilated, the Commissioner shall, so far as is practicable, reinstate and make good such building, and fill in and make good such land, at the charge of the Municipal Fund.

*Disposal of Sewage.*

Appointment of places for emptying of drains and disposal of sewage.

**176.** The Commissioner may cause all or any municipal drains to empty into any place, whether within or without the City, and dispose of the sewage at any place whether within or without the City, and in any manner which he shall deem suitable for such purpose :

Provided that—

(*a*) the Commissioner shall not cause any municipal drain to empty into any place into which a municipal drain has not heretofore emptied, or dispose of

sewage at any place or in any manner at or in which sewage has not heretofore been disposed of, without the sanction of the Corporation;

(*b*) no municipal drain shall be made to empty into any place, and no sewage shall be disposed of at any place or in any manner which the Provincial Government shall think fit to disallow.

Provision of means for disposal of sewage.

**177.** The Commissioner may, for the purpose of receiving, treating, storing, disinfecting, distributing or otherwise disposing of sewage, construct any work within or without the City or purchase or take on lease any land, building, engine, material or apparatus either within or without the City or enter into any arrangement with any person for any period not exceeding twenty years for the removal or disposal of sewage within or without the City.

*Water-closets, Privies, Urinals, etc.*

Construction of water-closets and privies.

**178.** (*1*) It shall not be lawful to construct any water-closet or privy for any premises except with the written permission of the Commissioner and in accordance with such terms not being inconsistent with any rule or by-law for the time being in force as he may prescribe.

(*2*) In prescribing any such terms the Commissioner may determine in each case—

(*a*) whether the premises shall be served by the water-closet or by the privy system, or partly by one and partly by the other; and

(*b*) what shall be the site or position of each water-closet or privy.

(*3*) If any water-closet or privy is constructed on any premises in contravention of sub-section (*1*), the Commissioner may, after giving not less than ten days' notice to the owner or occupier of such premises, close such water-closet or privy, and alter or demolish the same, and the expenses incurred by the Commissioner in so doing shall be paid by such owner or occupier or by the person offending.

Water-closets and other accommodation in buildings newly erected or re-erected.

**179.** (*1*) It shall not be lawful to erect or to re-erect or convert within the meaning of section 253 any building for, or intended for, human habitation, or at or in which labourers or workmen are to be employed, without such water-closet or privy accommodation, and such urinal accommodation and accommodation for bathing or for the washing of clothes and domestic utensils of such building as the Commissioner may prescribe.

(*2*) In prescribing any such accommodation the Commissioner may determine in each case—

(*a*) whether such building or work shall be served by the water-closet or by the privy system, or partly by one and partly by the other;

(*b*) what shall be the site or position of each water-closet, privy, urinal or bathing or washing place and their number.

(*3*) In determining the accommodation to be required under sub-section (*2*) the Commissioner shall have regard to the necessity of providing adequate and suitable water-closets or privies and bathing places for domestic servants employed by the occupants of the building.

Public necessaries

**180.** The Commissioner shall provide and maintain in proper and convenient situations water-closets, latrines, privies and urinals and other similar conveniences for public accommodation.

*Inspection.*

Drains, etc., not belonging to Corporation to be subject to inspection and examination.

**181.** (*1*) All drains, ventilation shafts and pipes, cess-pools, house-gullies, water-closets, privies, latrines and urinals and bathing and washing places which do not belong to the Corporation, or which have been constructed, erected or set up at the charge of the Municipal Fund on premises not belonging to the Corporation, for the use or benefit of the owner or occupier of the said premises, shall be open to inspection and examination by the Commissioner.

(*2*) The Commissioner may, in the course of an inspection or examination under sub-section (*1*), obtain and take away a sample of any trade effluent which is passing from the premises inspected or examined into a municipal drain. The analysis of such sample shall be made in the manner prescribed by the rules.

(*3*) The results of any analysis of a sample taken under sub-section (*2*) shall be admissible as evidence in any legal proceedings under this Act.

Power to open ground, etc., for purposes of inspection and examination.

**182.** For the purpose of such inspection and examination, the Commissioner may cause the ground or any portion of any drain or other work exterior to a building, or any portion of a building, which he shall think fit, to be opened, broken up or removed.

Expenses of inspection and examination.

**183.** (*1*) If upon any such inspection and examination as aforesaid, it shall be found that the drain, ventilation shaft or pipe, cess-pool, house-gully, water-closet, privy, latrine or urinal or bathing or washing place examined is in proper order and condition, and that none of the provisions of this Act or of the rules or by-laws or any other enactment for the time being in force has been contravened in respect of the construction or maintenance thereof, and that no encroachment has been made thereupon, the ground or portion of any building, drain or other work, if any, opened, broken up or removed for the purpose of such inspection and examination shall be filled in, reinstated and made good by the Commissioner.

(*2*) If it shall be found that any drain, ventilation-shaft or pipe, cess-pool, house-gully, water-closet, privy, latrine or urinal or bathing or washing place so examined is not in good order or condition, or has been repaired, changed, altered or encroached upon, or, except when the same has been constructed by or under the order of the Commissioner, if it has been constructed in contravention of any of the provisions of this Act or the rules or by-laws or of any enactment for the time being in force the expenses of the inspection and examination shall be paid by the owner of the premises, and the said owner shall fill in, reinstate and make good the ground, or portion of any building, drain or other work opened, broken up or removed for the purpose of such inspection and examination, at his own cost.

Commissioner may require repairs, etc., to be made.

**184.** (*1*) When the result of such inspection and examination as aforesaid is as described in sub-section (*2*) of section 183 the Commissioner may—

(*a*) by written notice require the owner of the premises or the several owners of the respective premises in which the drain, ventilation-shaft or pipe, cess-pool, house-gully, water-closet, privy, latrine, urinal or bathing or washing place is situated or for the benefit of which the same has been constructed, erected or set up,—

(*i*) to close or remove the same or any encroachment thereupon or, subject to the proviso to clause (*c*) of sub-section (*1*) of section 186, to remove any projection over the same, or

(*ii*) to renew, repair, cover, recover, trap, ventilate, flush, pave and pitch or take such other order to keep the same in working condition by effecting such other works as he shall think fit to direct and to fill in, reinstate and make good the ground, building, or thing opened, broken up or removed for the purpose of such inspection and examination; and

(*b*) without notice, close, fill up or demolish any drain by which sullage or sewage is carried through, from, into or upon any premises in contravention of any of the provisions of this Act or the rules or by-laws, and the expenses incurred by the Commissioner in so doing shall be paid by such owner or owners.

(*2*) Any requisition under clause (*a*) of sub-section (*1*) in respect of any drain which has been constructed, erected or set up, or which is continued for the sole use and benefit of a property or for the exclusive use and benefit of two or more properties, may include any extension thereof beyond such property or properties if and so far as such extension has been constructed, erected or set up, or is continued, for the sole use and benefit of such property or properties.

Cost of inspection and execution of works in certain cases.

**185.** In the case of any drain which has been constructed, erected or fixed, or which is continued, for the exclusive use and benefit of two or more premises and which is not—

(*a*) a drain constructed under sub-section (*1*) of section 167, or

(*b*) a drain in respect of which conditions as to the respective responsibilities of the parties have been declared under sub-section (*2*) of section 173,

the expenses of any inspection and examination made by the Commissioner under section 181 and of the execution of any work required under section 184, whether executed under section 188 or not, shall be paid by the owners of such premises, in such proportions, as shall be determined by the Commissioner.

*General Provisions.*

Prohibition of acts contravening the provisions of the Act, rules or by-laws or done without sanction.

**186.** (*1*) No person shall—

(*a*) in contravention of any of the provisions of this Act or rules or by-laws or of any notice issued or direction given under this Act or without the written permission of the Commissioner, in any way alter the fixing, disposition or position of, or construct, erect, set up, renew, rebuild, remove, obstruct, stop up, destroy or change, any drain, ventilation-shaft or pipe, cess-pool, water-closet, privy, latrine or urinal or bathing or washing place or any trap, covering or other fitting or appliance connected therewith;

(*b*) without the written permission of the Commissioner, renew, rebuild or unstop any drain, ventilation-shaft or pipe, cess-pool, water-closet, privy, latrine or urinal or bathing or washing place, or any fitting or appliance, which has been, or has been ordered to be, discontinued, demolished or stopped up under any of the provisions of this Act or the rules or by-laws;

(*c*) without the written permission of the Commissioner, make any projection over or encroachment upon, or in any way injure or cause or permit to be injured, any drain, cess-pool, house-gully, water-closet, privy, latrine or urinal or bathing or washing place:

Provided that nothing in this clause shall apply to any weather-shade in width not exceeding two feet over any window which does not front a wall or window of an adjoining house;

(*d*) drop, pass or place, or cause or permit to be dropped, passed or placed, into or in any drain, any brick, stone, earth, ashes, dung or any substance or matter which is likely to injure the drain or to interfere with the free flow of its contents, or to affect prejudicially the treatment and disposal of its contents;

(*e*) pass, or permit or cause to be passed, into any drain provided for a particular purpose any matter or liquid for the conveyance of which such drain has not been provided;

(*f*) except as provided by or under this Act cause or suffer to be discharged into any drain any chemical refuse or waste steam or any liquid of a temperature higher than one hundred and twenty degrees Fahrenheit, being refuse or steam which when so treated is, either along or in combination with the contents of the drain, dangerous or the cause of a nuisance or prejudicial to health;

(*g*) cause or suffer to be discharged into any drain, carbide of calcium or any such crude petroleum, any such oil made from petroleum, coal, shale or bituminous substances, or such product of petroleum or mixture containing petroleum as gives off under test an inflammable vapour at a temperature of less than seventy-three degrees Fahrenheit.

(*2*) If the person carrying out any work or doing any act in contravention of any of the clauses of sub-section (*1*) is not at the time of the notice the owner of such building or work, then the owner of such building or work shall be deemed to have been responsible for carrying out all such requisitions in the same way as the person so carrying out would have been liable.

Water closets etc., not to be injured or improperly fouled.

**187.** (*1*) No person shall injure or foul any water-closet, privy, urinal or bathing or washing place or any fittings or appliances in connection therewith which have been provided for the use in common of the inhabitants of one or more buildings.

(*2*) If any such water-closet, privy, urinal or bathing or washing place or any fitting or appliance in connection therewith or the approaches thereto or the walls, floors or seats or anything used in connection therewith are in such a state as to be a nuisance or source of annoyance to any inhabitant of the said building or buildings or to any inhabitant of the locality or passer-by for want of proper cleaning thereof, such of the persons having the use thereof as may be in default or, in the absence of evidence as to which of the persons having the use thereof in common is in default, every such person shall be deemed to have contravened the provisions of this section.

(*3*) The provisions of this section shall not exempt the owner of the building or buildings from any penalty to which he may otherwise have rendered himself liable.

Commissioner may execute certain works under this Act without allowing option to persons concerned of executing the same.

**188.** (*1*) The Commissioner may, if he thinks fit, cause any work described in this Chapter or in Chapter IX of the Schedule to be executed by municipal or other agency under his own orders, without first of all giving the person by whom the same would otherwise have to be executed the option of doing the same.

(*2*) The expenses of any work so done shall be paid by the person aforesaid, unless the Corporation shall by a general or special order or resolution sanction, as it is hereby empowered to sanction, the execution of such work at the charge of the Municipal Fund.

## CHAPTER XIII.

### WATER SUPPLY.

*Construction and maintenance of municipal water works.*

Water supply.

**189.** (*1*) When the Commissioner has given public notice under clause (*b*) of sub-section (*1*) of section 130 that the Corporation has arranged to supply water to any portion of the City from municipal water works by means of private water connections or of public stand-posts or by any other means, it shall be incumbent on him to take all such measures as may be practicable to ensure that a sufficient supply is available for meeting the reasonable requirements of the residents of such portion of the City.

(*2*) For the purposes of carrying out the obligation imposed by sub-section (*1*) and of providing the City with a supply of water proper and sufficient for public and private purposes, the Commissioner may with the approval of the Corporation—

(*a*) construct, maintain in good repair, alter, improve and extend water-works either within or without the City, and do any other necessary acts;

(*b*) purchase or take on lease any water-work or any water or right to store or to take and convey water either within or without the City;

(*c*) enter into an arrangement with any person for a supply of water.

(*3*) All municipal water-works shall be managed by the Commissioner.

Inspection of municipal water works by persons appointed by Provincial Government.

**190.** Any person appointed by the Provincial Government in this behalf shall at all reasonable times have liberty to enter upon and inspect any municipal water work.

Power of access to municipal water-works.

**191.** The Commissioner and any person appointed by the Provincial Government under section 190 in this behalf may, for the purpose of inspecting or repairing or executing any work in, upon or in connection with any municipal water-works, at all reasonable times—

(*a*) enter upon and pass through any land, within or without the City, adjacent to or in the vicinity of such water-works, in whomsoever such land may vest;

(*b*) cause to be conveyed into and through any such land all necessary men, materials, tools and implements.

Power of carrying water-mains, etc.

**192.** (*1*) For the purpose of carrying, renewing and repairing water-mains, pipes and ducts within or without the City, the Commissioner shall have the same powers and be subject to the same restrictions as he has and is subject to under the provisions hereinbefore contained for carrying, renewing and repairing drains within the City.

(*2*) This section shall apply in respect of carrying, renewing and repairing private water-mains, pipes and ducts as it applies in respect of carrying, renewing and repairing municipal water-mains, pipes and ducts.

Fire-hydrants to be provided.

**193.** The Commissioner shall cause fire-hydrants and all necessary works, machinery and assistance for supplying water in case of fire to be provided and maintained and shall have painted or marked on the buildings and walls or in some other conspicuous manner, within the streets, words or marks near to such hydrants to denote the situation thereof, and shall cause a hydrant-key to be deposited at each place within the City where a municipal fire-engine is kept, and do such other things for the purpose aforesaid as he shall deem expedient.

Prohibition of certain acts affecting the municipal water-works.

**194.** (*1*) Except with the permission of the Corporation, no person shall—

(*a*) erect any building for any purpose whatever on any part of such area as shall be demarcated by the Commissioner surrounding any lake, tank, well, or reservoir from which a supply of water is derived for a municipal water-work ;

(*b*) remove, alter, injure, damage or in any way interfere with the demarcation works of the area aforesaid ;

(*c*) extend, alter or apply to any purpose different to that to which the same has been heretofore applied, any building already existing within the area aforesaid ; or

(*d*) carry on, within the area aforesaid, any operation of manufacture, trade or agriculture in any manner, or do any act whatever, whereby injury may arise to any such lake, tank, well or reservoir or to any portion thereof or whereby the water of any such lake, tank, well or reservoir may be fouled or rendered less wholesome.

(*2*) Except as hereinafter provided, no person shall—

(*a*) cause or suffer to percolate or drain into or upon any municipal water-work or to be brought thereinto or thereupon anything, or to be done any act, whereby the water therein may be in any way fouled or polluted or its quality altered ;

(*b*) alter the surface of any municipal land adjacent to or forming part of any such work by digging thereinto or depositing thereon any substance ;

(*c*) cause or suffer to enter into the water in such work any animal ;

(*d*) throw or put anything into or upon the water in such work ;

(*e*) bathe in or near such work ; or

(*f*) wash or cause to be washed in or near such work any animal or thing.

Buildings, etc., not to be erected over municipal water-main without permission.

**195.** (*1*) Without the written permission of the Commissioner, no building, wall or structure of any kind shall be newly erected or re-erected and no street or minor railway shall be constructed, over any municipal water-main.

(*2*) If any building, wall or structure be so erected or re-erected or any street or minor railway be so constructed, the Commissioner may, with the approval of the Standing Committee, cause the same to be removed or otherwise dealt with as to him shall appear fit, and the expenses thereby incurred shall be paid by the person offending.

*Public Gratuitous Water-Supply.*

Vesting of public drinking fountains, etc., in the Corporation.

**196.** (*1*) All existing public drinking fountains, tanks, reservoirs, cisterns, pumps, wells, ducts and works for the supply of water for the gratuitous use of the inhabitants of the City shall vest in the Corporation and be under the control of the Commissioner.

(*2*) The Commissioner may maintain the said works and provide them with water, and when authorised by the Corporation in this behalf may construct any other such works for supplying water for the gratuitous use of the inhabitants of the City :

Provided that water carried away by any of the inhabitants from any such work shall be taken only for personal or domestic purposes and not for the purpose of business or sale and shall not, except with the written permission of the Commissioner, be carried away in a cask, cart, pakhal or masak.

(*3*) The Commissioner may temporarily, and with the approval of the Corporation permanently close any of the said works either entirely or partially.

(*4*) If any such work is permanently closed either entirely or partially by the Commissioner the site thereof, or of the portion thereof which is so closed, and the materials of the same may be disposed of as the property of the Corporation:

Provided that if any such work which is permanently closed, either entirely or partially, was a gift to the public by some private person, the said site and materials or the proceeds of the sale thereof shall, unless by reason of their value being insignificant or for other sufficient reason the Corporation thinks fit to direct otherwise, be applied to or towards some local work of public utility bearing the name of such person, or to or towards any such local work which shall be approved by the Corporation and by the heirs or other representatives, if any, of the said person.

Public drinking fountains, etc., may be set apart for particular purposes.

**197.** (*1*) The Commissioner may assign and set apart each of the said works and the water therein for use by the public for such purpose only as he shall think fit, and shall cause to be indicated, by a notice affixed on a conspicuous spot on or near each such work, the purpose for which the same is so assigned and set apart.

(*2*) No person shall make use of any such work or of any water therein for any purpose other than the purpose for which the same has been so assigned or set apart.

*Private Water Supply.*

Conditions as to use of water not to be contravened.

**198.** No person to whom water is supplied by measurement or according to the size of the connection or on payment of a fixed periodical sum shall contravene any condition prescribed under sub-section (*2*) of section 134 for the use of such water, or permit any such condition to be contravened.

Water pipes etc., not to be placed where water will be polluted.

**199.** No water-pipes shall be laid in a drain or on the surface of an open channel or house-gully or within twenty feet of a cesspool, or in any position where the pipe is likely to be injured or the water therein polluted and no well or tank and, except with the consent of the Commissioner, no cistern shall be constructed within twenty feet of a privy, water-closet or cesspool.

Prohibition of fraudulent and unauthorised use of water.

**200.** (*1*) No person shall fraudulently dispose of any water supplied to him by the Corporation.

(*2*) No person to whom a private supply of water is furnished by the Corporation shall, except when the water supplied is charged for by measurement, permit any person who does not reside on premises in respect of which water-tax is paid to carry away water from the premises to which it is supplied.

(*3*) No person who does not reside on premises in respect of which water-tax is paid shall carry away water from any premises to which a private supply is furnished by the Corporation, unless, in any case in which such supply is charged for by measurement, he does so with the permission of the person to whom such supply is furnished.

*General.*

Power to supply water without the City.

**201.** The Commissioner may supply water from a municipal water work to any local authority or person without the City on such terms as to payment and as to the period and conditions of supply as shall be, either generally or specially, approved by the Corporation.

## CHAPTER XIV.

### STREETS.

*Construction, Maintenance and Improvement of Streets.*

Vesting of public streets in Corporation.

**202.** All streets within the City being, or which at any time become, public streets, except streets which on the appointed day vested in the Crown or which after the said day may be constructed and maintained by an authority other than the Corporation, and the pavements, stones and other materials thereof shall vest in the Corporation and be under the control of the Commissioner.

Power of Commissioner in respect of public streets.

**203.** (*1*) The Commissioner shall from time to time cause all public streets vested in the Corporation to be levelled, metalled or paved, channelled, altered and repaired, as occasion shall require, and may also from time to time widen, extend or otherwise improve any such street or cause the soil thereof to be raised, lowered or altered and may place and keep in repair fences and posts for the safety of pedestrians:

Provided that no widening, extension or other improvement of a public street, the aggregate cost of which will exceed five thousand rupees or such higher amount as the Corporation may from time to time fix, shall be undertaken by the Commissioner unless or until such undertaking has been authorised by the Corporation.

(*2*) With the sanction of the Corporation the Commissioner may permanently close the whole or any part of a public street vested in the Corporation:

Provided that such sanction of the Corporation shall not be given unless, one month at least before the meeting at which the matter is decided, a notice signed by the Commissioner has been put up in the street or part of a street which it is proposed to close, informing the residents of the said proposal, nor until the objections to the said proposal, if any, made in writing at any time before the day of the said meeting have been received and considered by the Corporation.

Disposal of land forming site of closed streets.

**204.** Whenever any public street, or part of a public street, is permanently closed under section 203, the site of such street, or of the portion thereof which has been closed, may be disposed of as land vesting in the Corporation, subject to the previous sanction of the Provincial Government.

Power to make new public streets.

**205.** The Commissioner, when authorised by the Corporation in this behalf, may at any time—

(*a*) lay out and make a new public street;

(*b*) agree with any person for the making of a street for public use through the land of such person, either entirely at the expense of such person or partly at the expense of such person and partly at the expense of the Corporation, and that such street shall become, on completion, a public street, which shall vest in the Corporation;

(*c*) construct bridges and sub-ways;

(*d*) divert or turn an existing public street vested in the Corporation or a portion thereof.

Minimum width of new public streets.

**206.** (*1*) The Corporation shall from time to time with the sanction of the Provincial Government specify the minimum width for different classes of public streets according to the nature of the traffic likely to be carried thereon, the localities in which they are situated, the heights up to which buildings abutting thereon may be erected and other similar considerations.

(*2*) The width of a new public street made under section 205 shall not be less than that prescribed under sub-section (*1*) for the class to which it belongs, and no steps and, except with the written permission of the Commissioner under section 227, no other projections shall extend on to any such street.

Power to adopt, construct or alter any sub-way, bridge, etc.

**207.** The Commissioner when authorized by the Corporation in this behalf, may agree with any person—

(*a*) to adopt and maintain any existing or projected sub-way, bridge, viaduct or arch, and the approaches thereto, and may accordingly adopt and maintain such sub-way, bridge, viaduct or arch and approaches as parts of public streets, or as property vesting in the Corporation, or

(*b*) for the construction or alteration of any such sub-way, bridge, viaduct or arch or for the purchase or acquisition of any adjoining land required for the foundations and support thereof or for the approaches thereto, either entirely at the expense of such person or partly at the expense of such person and partly at the expense of the Corporation.

Power to prohibit use of public streets for certain kinds of traffic.

**208.** (*1*) It shall be lawful for the Commissioner with the sanction of the Corporation to—

(*a*) prohibit vehicular traffic in any particular public street vesting in the Corporation so as to prevent danger, obstruction or inconvenience to the public by fixing up posts at both ends of such street or portion of such street;

(*b*) prohibit in respect of all public streets, or particular public streets, the transit of any vehicle of such form, construction, weight or size or laden with such heavy or unwieldy objects as may be deemed likely to cause injury to the roadways or any construction thereon, or risk or obstruction to other vehicles or to pedestrians along or over such street or streets, except under such conditions as to time, mode of traction or locomotion, use of appliances for protection of the roadway, number of lights and assistants, and other general precautions and the payment of special charges as may be specified by the Commissioner generally or specially in each case.

(*2*) Notices of such prohibitions as are imposed under sub-section (*1*) shall be posted up in conspicuous places at or near both ends of the public streets or portions thereof to which they relate, unless such prohibitions apply generally to all public streets.

Power to acquire promises for improvement of public streets

**209.** (*1*) The Commissioner may, subject to the provisions of sections 77, 78 and 79—

(*a*) acquire any land required for the purpose of opening, widening, extending, diverting or otherwise improving any public street, bridge or sub-way or of making any new public street, bridge or sub-way and the buildings, if any, standing upon such land;

(*b*) acquire in addition to the said land and the buildings, if any, standing thereupon, all such land with the buildings, if any, standing thereupon, as it shall seem expedient for the Corporation to acquire outside of the regular line, or of the intended regular line, of such street;

(*c*) lease, sell or otherwise dispose of any land or building purchased under clause (*b*).

(*2*) The acquisition of land for providing, extending or improving a place for the parking of vehicles shall be deemed to be acquisition of land for the purpose of providing, extending or improving a public street.

(*3*) Any conveyance of land or of a building under clause (*c*) of sub-section (*1*) may comprise such conditions as the Commissioner thinks fit, as to the removal of the existing building, the description of new building to be erected, the period within which such new building shall be completed and other such matters.

Power to prescribe street lines.

**210.** (*1*) The Commissioner may,

(*a*) prescribe a line on one or both sides of any public street :

Provided that every regular line of a public street operative under any law for the time being in force in any part of the City on the day immediately preceding the appointed day shall be deemed to be a street line for the purposes of this Act until a street line is prescribed by the Commissioner under this clause ;

(*b*) from time to time, but subject in each case to the previous approval of the Standing Committee, prescribe a fresh line in substitution for any line so prescribed or for any part thereof :

Provided that such approval shall not be accorded unless, at least one month before the meeting of the Standing Committee at which the matter is decided, public notice of the proposal has been given by the Commissioner by advertisement in the local newspapers and special notice thereof, signed by the Commissioner, has also been put up in the street or part of the street for which such fresh line is proposed to be prescribed and until the Standing Committee has considered all objections to the said proposal made in writing and delivered at the office of the Municipal Secretary not less than three clear days before the day of such meeting.

(*2*) The line for the time being prescribed shall be called "the regular line of the street".

(*3*) A register with plans attached shall be kept by the Commissioner showing all public streets in respect of which a regular line of the street has been prescribed and such register shall contain such particulars as to the Commissioner may appear to be necessary and shall be open to inspection by any person upon payment of such fee as may from time to time be prescribed by the Standing Committee.

(*4*) (*a*) Subject to the provisions of sub-section (*5*) no person shall construct or reconstruct any portion of any building on land within the regular line of the street except with the written permission of the Commissioner and in accordance with the conditions imposed therein and the Commissioner shall in every case in which he gives such permission, at the same time, report his reasons in writing to the Standing Committee.

(*b*) No person shall construct or reconstruct any boundary wall or a portion of a boundary wall within the regular line of the street except with the written permission of the Commissioner :

Provided that if, within sixty days after the receipt of an application from any person for permission to construct or reconstruct a boundary wall or a portion thereof, the Commissioner fails to acquire the land within the regular line of the street under section 213 the said person may, subject to any other provisions of this Act or the rules or bylaws, proceed with the work of construction or reconstruction of such boundary wall or a portion thereof, as the case may be.

(5) (a) When the Commissioner grants permission under clause (a) of sub-section (4) for the construction or reconstruction of any building on land within the regular line of the street he may require the owner of the building to execute an agreement binding himself and his successors in title not to claim compensation in the event of the Commissioner at any time thereafter calling upon him or any of his successors by written notice to remove any work carried out in pursuance of such permission or any portion thereof and to pay the expenses of such removal if, in default, such removal is carried out by the Commissioner.

(b) The Commissioner may before granting such permission require the owner to deposit in the municipal office an amount sufficient in his opinion to cover the cost of removal and such compensation, if any, as may be payable to any successor in title or transferee of such building.

Setting back buildings to the regular line of the street.

211. (1) If any building or any part of a building abutting on a public street is within the regular line of the street, the Commissioner may, whenever it is proposed—

(a) to rebuild such building or to take down such building to an extent exceeding one-half thereof above the ground level, such half to be measured in cubic feet; or

(b) to remove, reconstruct or make any addition to or structural alteration in any portion of such building which is within the regular line of the street,

in any order which he issues concerning the rebuilding, alteration or repair of such building, require such building to be set back to the regular line of the street.

(2) When any building or any part thereof within the regular line of the street falls down or is burnt down or is taken down, whether under the provisions of this Act or otherwise, the Commissioner may at once take possession on behalf of the Corporation of the portion of land within the regular line of the street theretofore occupied by the said building and, if necessary, clear the same.

(3) Land acquired under this section shall thenceforward be deemed a part of the public street and shall vest, as such, in the Corporation.

Additional power of Commissioner to order setting back of buildings to regular line of street.

212. (1) If any building or any part thereof is within the regular line of a public street and if, in the opinion of the Commissioner, it is necessary to set back the building to the regular line of the street he may, if the provisions of section 211 do not apply, by written notice—

(a) require the owner of such building to show cause within such period as is specified in such notice by a statement in writing subscribed by him or by an agent duly authorised by him in that behalf and addressed to the Commissioner, why such building or any part thereof which is within the regular line of the street shall not be pulled down and the land within the said line acquired by the Commissioner; or

(b) require the said owner on such day and at such time and place as shall be specified in such notice to attend personally or by an agent duly authorised by him in that behalf and show cause why such building or any part thereof which is within the regular line of the street shall not be pulled down and the land within the said line acquired by the Commissioner.

(2) If such owner fails to show sufficient cause to the satisfaction of the Commissioner why such building or any part thereof, which is within the regular line of the street shall not be pulled down and the land within the said line acquired as aforesaid the Commissioner may, with the approval of the Standing Committee,

require the owner by a written notice, to pull down the building or the part thereof which is within the regular line of the street within such period as is prescribed in the notice.

(*3*) If within such period the owner of such building fails to pull down such building or any part thereof coming within the said line, the Commissioner may pull down the same and all the expenses incurred in so doing shall be paid by the owner.

(*4*) The Commissioner shall at once take possession on behalf of the Corporation of the portion of the land within the said line theretofore occupied by the said building, and such land shall thenceforward be deemed a part of the public street and shall vest as such in the Corporation.

(*5*) Nothing in this section shall be deemed to apply to buildings vesting in the Crown.

Acquisition of open land or of land occupied by platforms, etc., within regular line of street.

**213.** If any land not vesting in the Corporation, whether open or enclosed, lies within the regular line of a public street and is not occupied by a building, or if a platform, verandah, step, compound wall, hedge or fence or some other structure external to a building, abutting on a public street or a portion of a platform, verandah, step, compound wall, hedge or fence or other such structure, is within the regular line of such street, the Commissioner may, after giving to the owner of the land or building not less than seven clear days' written notice of his intention to do so, take possession on behalf of the Corporation of the said land with its enclosing wall, hedge or fence, if any, or of the said platform, verandah, step or other such structure as aforesaid or of the portion of the said platform, verandah, step or other such structure as aforesaid which is within the regular line of the street and, if necessary, clear the same and the land so acquired, shall thenceforward be deemed a part of the public street :

Provided that when the land or building is vested in the Crown, possession shall not be taken as aforesaid, without the previous sanction of the Government concerned and, when the land or building is vested in any Corporation constituted by any law for the time being in force, possession shall not be taken as aforesaid, without the previous sanction of the Provincial Government.

Acquisition of the remaining part of building and land after their portions within a regular line of the street are acquired.

**214.** (*1*) If a building or land is partly within the regular line of a public street and if the Commissioner is satisfied that the land remaining after the excision of the portion within the said line will not be suitable or fit for any beneficial use, he may, at the request of the owner, acquire such land in addition to the land within the said line and such surplus land shall be deemed to be a part of the public street vesting in the Corporation.

(*2*) Such surplus land may thereafter be utilised for the purpose of setting forward of buildings under section 215.

Setting forward of buildings to the line of the street.

**215.** (*1*) If any building which abuts on a public street is in rear of the regular line of such street, the Commissioner may, whenever it is proposed—

(*a*) to rebuild such building, or

(*b*) to alter or repair such building in any manner that will involve the removal or re-erection of such building, or of the portion thereof which abuts on the said street to an extent exceeding one-half of such building or portion thereof above the ground level, such half to be measured in cubic feet,

in any order which he issues concerning the rebuilding, alteration or repair of such building, permit or, with the approval of the Standing Committee, require such building to be set forward to the regular line of the street.

(*2*) For the purpose of this section, a wall separating any premises from a public street shall be deemed to be a building; and it shall be deemed to be a sufficient compliance with a permission or requisition to set forward a building to the regular line of a street if a wall of such materials and dimensions as are approved by the Commissioner, is erected along the said line.

Compensation to be paid and betterment charges to be levied.

**216.** (*1*) Compensation shall be paid by the Commissioner to the owner of any building or land required for a public street under section 211, 212, 213 or 214 for any loss which such owner may sustain in consequence of his building or land being so acquired and for any expense incurred by such owner in consequence of the order made by the Commissioner:

Provided that—

(*i*) any increase or decrease in the value of the remainder of the property of which the building or land so acquired formed part likely to accrue from the set-back to the regular line of the street shall be taken into consideration and allowed for in determining the amount of such compensation;'

(*ii*) if any such increase in value exceeds the amount of loss sustained or expenses incurred by the said owner, the Commissioner may recover from such owner half the amount of such excess as a betterment charge.

(*2*) If, in consequence of an order to set forward a building made by the Commissioner under section 215, the owner of such building sustains any loss or damage, compensation shall be paid to him by the Commissioner for such loss or damage after taking into account any increase in value likely to accrue from the set-forward.

(*3*) If the additional land which will be included in the premises of any person required or permitted under section 215 to set forward a building belongs to the Corporation, the order or permission of the Commissioner to set forward the building shall be sufficient conveyance to the said owner of the said land; and the price to be paid to the Corporation by the said owner for such additional land and the other terms and conditions of the conveyance shall be set forth in the said order or permission.

(*4*) If, when the Commissioner requires a building to be set forward, the owner of the building is dissatisfied with the price fixed to be paid to the Corporation or any of the other terms or conditions of the conveyance, the Commissioner shall, upon the application of the said owner at any time within fifteen days after the said terms and conditions are communicated to him, refer the case for the determination of the Judge

*Provisions regarding Private Streets.*

Notice to be given to Commissioner of intention to lay out lands for building and for private streets.

**217.** Every person who intends—

(*a*) to sell or let on lease any land subject to a covenant or agreement on the part of a purchaser or lessee to erect buildings thereon,

(*b*) to divide land (whether unbuilt or partly built) into building plots,

(*c*) to use any land or a portion thereof or permit the same to be used for building purposes, or

(*d*) to make or lay out a private street, whether it is intended to allow the public a right of passage or access over such street or not,

shall give written notice of his intention to the Commissioner and shall, along with such notice, submit plans and sections, showing the situation and boundaries of such building land and the site of the private street (if any) and also the situation and boundaries of a l other lands of such person of which such building land or site forms a part and the intended development, laying out and plotting of such building land including the dimensions and area of each building plot and also the intended level, direction, width, means of drainage, paving, metalling and lighting of such private street, the provisions for planting and rearing of trees beside such private street, and the height and means of drainage and ventilation of the building or buildings proposed to be erected on the land, and if any building when erected will not abut on a street then already existing or then intended to be made as aforesaid, the means of access from and to such building and the manner of paving, metalling, draining and lighting of such means of access.

Commissioner may call for further particulars.

**218.** If any notice under section 217 does not supply all the information which the Commissioner deems necessary to enable him to deal satisfactorily with the case or if any such notice given for any of, or all the purposes mentioned in clause (*a*), (*b*) or (*c*) of the said section does not contain any proposal or intention to make or lay out a private street, he may, at any time within thirty days after receipt of the said notice, by written notice require the person who gave the said notice—

(*a*) to furnish the required information together with all or any of the documents specified in the rules, or

(*b*) to revise any or all the schemes submitted under the said clause (*a*), (*b*) or (*c*) so as to provide for the making or laying out of a private street or private streets of such width or widths as he may specify in addition to or in substitution of any means of access proposed to be provided in such scheme or schemes and to furnish such further information and documents relating to the revised scheme or schemes as he may specify.

Commissioner may require plans to be prepared by licensed surveyor.

**219.** The Commissioner may decline to accept any plan, section or description as sufficient for the purposes of section 217 or 218 which does not bear the signature of a licensed surveyor in token of its having been prepared by such surveyor or under his supervision.

Laying out of land, dimensions and area of each building plot laying out of private streets and buildings and heights of buildings to be determined by Commissioner.

**220.** (*1*) The laying out of land for building, the dimensions and area of each building plot, the level, direction, width and means of drainage of every private street, the kind and number of trees to be planted and reared beside such streets and the height and means of drainage and ventilation of and access to all buildings to be erected on such land or on either side of such street shall be fixed and determined by the Commissioner subject to such general directions as the Standing Committee may give in this behalf from time to time with the general object of securing sanitary conditions, amenity and convenience in connection with the laying out and use of the land and of any neighbouring lands, and also with the object that the proposed private street may not conflict with any arrangements which have been made or which are, in the opinion of the Commissioner, likely to be made for carrying out any general scheme of new streets or of improvements of existing streets in the locality:

Provided that if, within sixty days after the receipt by the Commissioner of any notice under section 217 or of the plans, sections, descriptions, scheme or further information, if any, called for under section 218, the disapproval by the Commissioner with regard to any of the matters aforesaid specified in such notice has not

been communicated to the person who gave the same, the proposals of the said person shall be deemed to have been approved by the Commissioner.

(*2*) When the Commissioner signifies in writing to the said person his approval of the said work under certain conditions or without any conditions, or when the said work is deemed to have been approved by the Commissioner as aforesaid, the said person may at any time within one year from the date of the delivery of the notice under section 217 to the Commissioner, proceed with the said work in accordance with the intention as described in the notice or in any of the documents aforesaid and in accordance with the conditions, if any, prescribed by the Commissioner, but not so as to contravene any of the provisions of this Act or any rule or by-law.

Land not to be appropriated for building and private street not to be laid out until expiration of notice nor otherwise than in accordance with Commissioner's directions.

**221.** (*1*) No person shall sell, let, use or permit the use of any land whether undeveloped or partly developed for building or divide any such land into building plots, or make or lay out any private street—

(*a*) unless such person has given previous written notice of his intention as provided in section 217 nor until the expiration of sixty days from delivery of such notice, nor otherwise than in accordance with such directions (if any) as may have been fixed and determined under sub-section (*1*) of section 220 ;

(*b*) after the expiry of the period of one year specified in sub-section (*2*) of section 220;

(*c*) unless such person gives written notice to the City Engineer of the date on which he proposes to proceed with any work which he is entitled to carry out and commences such work within seven days of the date mentioned in the notice.

(*2*) If any act be done or permitted in contravention of this section, the Commissioner may by written notice require any person doing or permitting such act—

(*a*) to show cause on or before such day as shall be specified in such notice by statement in writing subscribed by him in that behalf and addressed to the Commissioner; why the laying out, plotting, street or building contravening this section should not be altered to the satisfaction of the Commissioner, or, if that be in his opinion impracticable, why such street or building should not be demolished or removed or why the land should not be restored to the condition in which it was prior to the execution of the unauthorised work, or

(*b*) to attend personally or by an agent duly authorised by him in that behalf on such day and at such time and place as shall be specified in such notice and show cause as aforesaid.

(*3*) If such person shall fail to show cause to the satisfaction of the Commissioner why such street or building should not be so altered, demolished or removed or why such land should not be so restored, the Commissioner may cause the work of alteration, demolition, removal or restoration to be carried out and the expenses thereof shall be paid by the said person.

Renewal of notice of intention to carry out works not executed in pursuance of approval given under section 220

**222.** If a person who is entitled to proceed with any work under section 220 fails so to do within the period of one year specified therein he may at any time give fresh notice of his intention to execute such work and such notice shall be treated as a new notice under section 217.

Levelling and draining of private streets and means of access.

**223.** If any private street or any other means of access to a building be not levelled, metalled, flagged or paved, sewered, drained, channelled, lighted or provided with trees for shade to the satisfaction of the Commissioner, he may, with the sanction of the Standing Committee, by written notice, require the owner or owners of the several premises fronting or adjoining the said street or other means of access or abutting thereon or to which access is obtained through such street or other means of access or which will benefit by works executed under this section to carry out any one or more of the aforesaid requirements in such manner as he shall direct.

Power to declare private streets when sewered, etc., public streets.

**224.** When any private street has been levelled, metalled, flagged or paved, sewered, drained, channelled and made good to the satisfaction of the Commissioner, he may and, upon the request of the owners or of any of the owners, of such street, shall, if lamps, lamp-posts and other apparatus necessary for lighting such street have been provided to his satisfaction and if all land revenue payable to the Provincial Government in respect of the land comprised in such street has been paid, declare the same to be a public street by notice in writing put up in any part of such street, and thereupon the same shall become a public street and vest in the Corporation as such:

Provided that no such street shall become a public street if, within one month after such notice has been put up, the owner of such street or the greater part thereof shall, by notice in writing to the Commissioner, object thereto.

Applicability of sections 223 and 224 when a street is in part public and in part private.

**225.** If a portion only of any street is a public street, the other portion of such street may for all purposes of sections 223 and 224 be deemed to be a private street.

*Projections and Obstructions.*

Prohibition of projections upon streets, etc.

**226.** (*1*) Except as provided in section 227, no person shall erect, set up, add to, or place against or in front of any premises any structure or fixture, which will—

(*a*) overhang, jut or project into, or in any way encroach upon, or obstruct in any way the safe or convenient passage of the public along, any street, or

(*b*) jut or project into or encroach upon any drain or open channel in any street, so as in any way to interfere with the use or proper working of such drain or channel or to impede the inspection or cleansing thereof.

(*2*) The Commissioner may, by written notice, require the owner or occupier of any premises to remove or to take such other order as he may direct with any structure or fixture which has been erected, set up, added to or placed against, or in front of, the said premises in contravention of this section or of any law in force in the City on the day immediately preceding the appointed day.

(*3*) If the occupier of the said premises removes or alters any structure or fixture in accordance with such notice, he shall be entitled, unless the structure or fixture was erected, set up or placed by himself, to credit in account with the owner of the premises for all reasonable expenses incurred by him in complying with the said notice.

(*4*) If any such structure or fixture as is described in sub-section (*1*) has been erected, set up, added to, or placed against or in front of any premises at any time before the first day of April 1901, the Commissioner may give notice as aforesaid to the owner or occupier of the said premises;

Provided that if in any such case the structure or fixture was lawfully erected, set up, added to or placed, compensation shall be paid by the Commissioner to every person who sustains loss or damage by the removal or alteration thereof.

Projections over streets may be permitted in certain cases.

**227.** (*1*) The Commissioner may give a written permission, on such terms as he shall in each case think fit, to the owner or occupier of any building abutting on any street—

(*a*) to erect an arcade over such street or any portion thereof, or

(*b*) to put up a verandah, balcony, arch, connecting passage, sun-shade, weather-frame, canopy, awning, or other such structure or thing projecting from any storey over or across any street or portion thereof:

Provided that no permission shall be given by the Commissioner for the erection of an arcade in any public street in which the construction of arcades has not been generally sanctioned by the Corporation.

(*2*) The provisions of section 226 shall not be deemed to apply to any arcade, verandah, balcony, arch, connecting passage, sun-shade, weather-frame, canopy, awning or other structure or thing erected or put up under and in accordance with the terms of a permission granted under this section.

(*3*) The Commissioner may at any time by written notice require the owner or occupier of any building to remove a verandah, balcony, sun-shade, weather-frame or the like put up in accordance with the provisions of sub-section (*1*) and such owner or occupier shall be bound to take action accordingly but shall be entitled to compensation for the loss caused to him by such removal and the cost incurred thereon.

Ground floor doors, etc., not to open outwards on streets.

**228.** The Commissioner may at any time, by written notice, require the owner of any premises on the ground-floor of which any door, gate, bar or window opens outwards upon a street, or upon any land required for the improvement of a street, in such manner as, in the opinion of the Commissioner, to obstruct the safe or convenient passage of the public along such street, to have the said door, gate, bar or window altered so as not to open outwards.

Prohibition of structures or fixtures which cause obstruction in streets.

**229.** (*1*) No person shall, except with the permission of the Commissioner under section 227 or 234, erect or set up any wall, fence, rail, post, step, booth or other structure whether fixed or moveable and whether of a permanent or a temporary nature, or any fixture in or upon any street or upon or over any open channel, drain, well or tank in any street so as to form an obstruction to, or an encroachment upon, or a projection over, or to occupy, any portion of such street, channel, drain, well or tank.

(*2*) Nothing in this section shall be deemed to apply to any erection or thing to which clause (*c*) of sub-section (*1*) of section 239 applies.

Prohibition of deposit etc., of things in streets.

**230.** (*1*) No person shall, except with the written permission of the Commissioner—

(*a*) place or deposit upon any street, or upon any open channel, drain or well in any street or in any public place any stall, chair, bench, box, ladder, bale or

other thing whatever so as to form an obstruction thereto or encroachment thereon;

(*b*) project, at a height of less than twelve feet from the surface of the street, any board or chair, beyond the line of the plinth of any building over any street, or over any open channel, drain, well or tank in any street;

(*c*) attach to, or suspend from, any wall or portion of a building abutting on a street, at a lower height than aforesaid anything whatever.

(*2*) Nothing in clause (*a*) of sub-section (*1*) applies to building materials.

Commissioner may, without notice, remove anything erected, deposited or hawked or exposed for sale in contravention of Act.

**231.** The Commissioner may, without notice, cause to be removed—

(*a*) any wall, fence, rail, post, step, booth or other structure whether fixed or moveable and whether of a permanent or a temporary nature, or any fixture which shall be erected or set up in or upon or over any street or upon or over any open channel, drain, well or tank contrary to the provisions of this Act after the appointed day;

(*b*) any stall, chair, bench, box, ladder, bale, board or shelf, or any other thing whatever placed, deposited, projected, attached, or suspended in, upon, from or to any place in contravention of this Act;

(*c*) any article whatsoever hawked or exposed for sale in a public place or in any public street in contravention of the provisions of this Act and any vehicle, package, box or any other thing in or on which such article is placed.

Power to require removal of any structure or fixture erected or set up before the appointed day.

**232.** The Commissioner may, by written notice, require the owner or occupier of any premises contiguous to, or in front of, or in connection with which any wall, fence, rail, post, step, booth or other structure or fixture, which it would be unlawful to erect or set up under this Act, has been erected or set up before the appointed day, to remove the said wall, fence, rail, post, step, stall or other structure or thing:

Provided that, if in any such case the structure or fixture shall have been lawfully erected or set up, compensation shall be paid by the Commissioner to every person who sustains loss or damage by the removal or alteration thereof.

Prohibition of tethering of animals in public streets.

**233.** (*1*) No person shall tether any animal or cause or permit the same to be tethered by any member of his family or household, in any public street.

(*2*) Any animal tethered as aforesaid may be removed by the Commissioner, or by any municipal officer or servant, and made over to a police officer, or may be removed by a police officer, who shall deal therewith as with an animal found straying.

*Temporary Erections on Streets during Festivals.*

Commissioner may permit booths, etc., to be erected on streets on festivals.

**234.** With the concurrence of the District Magistrate or such other officer as the District Magistrate may nominate in this behalf from time to time the Commissioner may grant a written permission for the temporary erection of a booth and any other such structure on any street on occasions of ceremonies and festivals.

*Provisions concerning Execution of Works in or near to Streets.*

Street when broken up for any municipal purposes to be restored without delay.

235. Whenever the soil or pavement of any street is opened or broken up by or under the order of the Commissioner, or of any municipal officer or servant, for the execution of any work on behalf of the Corporation, the work on account of which the same shall have been opened or broken up shall be completed and the soil or pavement filled in, reinstated and made good with all convenient speed ; and on completion of the work, the surplus of earth and materials, if any, excavated and all rubbish occasioned thereby shall be removed without delay.

Commissioner may close street in which work is in progress.

236. (*1*) The Commissioner may, whilst any such work as aforesaid or any work which may lawfully be executed in any street is in progress, direct that the said street shall be wholly or partially closed for traffic or for traffic of such description as he shall think fit ; and shall set up in a conspicuous position an order prohibiting traffic to the extent so directed, and fix such bars, chains or posts across or in the street as he shall think proper for preventing or restricting traffic therein.

(*2*) No person shall, without the permission of the Commissioner or without other lawful authority, remove any bar, chain or post so fixed or infringe any order prohibiting traffic so set up.

Commissioner to provide for traffic, etc., pending execution of municipal work in any street.

237. Whilst the execution of any work on behalf of the Corporation is in progress in any street, the Commissioner shall, so far as may be reasonably practicable, make adequate provision for the passage or diversion of traffic, for securing access to all premises approached from such street, and for any drainage, water-supply, or means of lighting which may be interrupted by reason of the execution of the said work.

Precautions to be taken for public safety whilst municipal works are in progress in any street.

238. (*1*) Whilst the execution of any work on behalf of the Corporation is in progress in any street, the Commissioner shall—

(*a*) take proper precaution for guarding against accident by shoring up and protecting the adjoining buildings ;

(*b*) have any place where the soil or pavement has been opened or broken up, fenced and guarded ;

(*c*) have a light sufficient for the warning of passengers set up and kept every night against any such place and against any bars, chains or posts set up under section 236 for so long as such place shall be continued open or broken up, or such bars, chains or posts shall remain set up.

(*2*) No person shall, without the written permission of the Commissioner or without other lawful authority, remove any shoring timber or fence, or remove or extinguish any light employed or se up for any of the purposes of this section.

Streets not to be opened or broken up and building materials not to be deposited thereon without permission.

239. (*1*) No person other than the Commissioner or a municipal officer or servant shall, without the written premission of the Commissioner or without other lawful authority,—

(*a*) open, break up, displace, take up or make any alteration in, or cause any injury to, the soil or pavement, or any wall, fence, post, chain or other material or thing forming part of any street ;

(*b*) deposit any building materials in any street ; or

(*c*) set up in any street any scaffold or any temporary erection for the purpose of any work whatever, or any posts, bars, rails, boards or other things by way of enclosure, for the purpose of making mortar or depositing bricks, lime, rubbish or other materials.

(*2*) Any permission granted under clause (*b*) or (*c*) of sub-section (*1*) shall be terminable at the discretion of the Commissioner, on his giving not less than twenty-four hours' written notice of the termination thereof to the person to whom such permission was granted.

(*3*) Except in cases in which permission has been applied for under clause (*b*) of sub-section (*1*) for the deposit of building materials in any street and no reply has been sent to the applicant within seven days from the date of the application, the Commissioner may, without notice, cause to be removed any building materials, or any scaffold, or any temporary erection, or any posts, bars, rails, boards or other things by way of enclosure, which have been deposited or set up in any street without the permission or authority specified in sub-section (*1*), or which, having been deposited or set up with such permission or authority, have not been removed within the period specified in the notice issued under sub-section (*2*).

Precautions for public safety to be taken by persons to whom permission is granted under section 239.

**240.** Every person to whom any permission is granted under section 239 shall, at his own expense, cause the place where the soil or pavement has been opened or broken up or where he has deposited building materials, or set up any scaffold, erection or other thing, to be properly fenced and guarded, and, in all cases in which the same is necessary to prevent accidents, shall cause such place to be well lighted during the night.

Persons to whom permission is granted under section 239 must reinstate streets, etc.

**241.** (*1*) Every person to whom permission is granted under section 239 to open or break up the soil or pavement of any street, or who, under other lawful authority, opens or breaks up the soil or pavement of any street, shall with all convenient speed complete the work for which the same shall be opened or broken up, and fill in the ground and reinstate and make good the street or pavement so opened or broken up without delay to the satisfaction of the Commissioner.

(*2*) If the said person shall fail to reinstate and make good the street or pavement as aforesaid, the Commissioner may restore such street or pavement, and the expenses incurred by the Commissioner in so doing shall be paid by the said person.

Provisions to be made by persons granted permission under section 239 for traffic etc.

**242.** The Commissioner may, by written notice, require any person to whom permission is granted under section 239 to open or break up the soil or pavement of any street, or who, under any other lawful authority, opens or breaks up the soil or pavement of any street for the purpose of executing any work, to make provision to his satisfaction for the passage or diversion of traffic for securing access to the premises approached from such street and for any drainage, water-supply or means of lighting which may be interrupted by reason of the execution of the said work.

Buildings at corners of streets.

**243.** (*1*) The Commissioner may, with the approval of the Standing Committee, require by written order the corner of any building which has already been erected or which is to be newly erected or which is to be reconstructed or repaired and which is situated at the junction of two or more streets to be rounded or splayed off to such height and in such manner as he may determine and may also in such order impose such conditions as he deems necessary as to the construction of a compound wall or fence or hedge or any other structure whatsoever or the planting or retention of any tree on the premises appurtenant to such building.

(2) Compensation shall be paid by the Commissioner for any loss or damage caused by the issue of an order under sub-section (1).

*Sky-signs and Advertisements.*

Regulations as to sky-signs.

**244.** (1) No person shall, without the written permission of the Commissioner, erect, fix or retain any sky-sign of the kind prescribed by rules whether existing on the appointed day or not. Such written permission [1][may be granted or renewed for a period not exceeding two years] from the date of each such permission or renewal, subject to the condition that such permission shall be deemed to be void if—

(a) any addition is made to the sky-sign except for the purpose of making it secure under of the direction of the City Engineer;

(b) any change is made in the sky-sign, or any part thereof;

(c) the sky-sign or any part thereof fall either through accident, decay or any other cause;

(d) any addition or alteration is made to, or in, the building or structure upon or over which the sky-sign is erected, fixed or retained, involving the disturbance of the sky-sign or any part thereof;

(e) the building or structure upon or over which the sky-sign is erected, fixed or retained becomes unoccupied or be demolished or destroyed.

(2) Where any sky-sign shall be erected, fixed or retained after the appointed day upon or over any land, building or structure, save and except as permitted as hereinbefore provided, the owner or person in occupation of such land, building or structure shall be deemed to be the person who has erected, fixed or retained such sky-sign in contravention of the provisions of this section, unless he proves that such contravention was committed by a person not in his employment or under his control, or was committed without his connivance.

(3) If any sky-sign be erected, fixed or retained contrary to the provisions of this section, or after permission for the erection, fixing or retention thereof for any period shall have expired or become void, the Commissioner may, by written notice, require the owner or occupier of the land, building or structure, upon or over which the sky-sign is erected, fixed or retained, to take down and remove such sky-sign.

Regulation and control of advertisements.

**245.** (1) The Commissioner may, by notice in writing, require the owner or the person in occupation of any land, building, wall, hoarding or structure to take down or remove, within such period as is specified in the notice, any advertisement upon such land, building, wall, hoarding or structure.

(2) If the advertisement is not taken down or removed within such period, the Commissioner may cause it to be taken down or removed, and the expenses reasonably incurred on the taking down or removal thereof shall be paid by such owner or person.

(3) The provisions of this section shall not apply to any advertisement which—

(a) is exhibited within the window of any building;

(b) relates to the trade or business carried on within the land or building upon which such advertisement is exhibited or to any sale or letting of such land or building or any effects therein, or to any sale, entertainment or meeting to be held upon or in the same;

(c) relates to the business of any railway administration;

[1] These words were substituted for the words "shall be granted, or renewed, for any period exceeding two years" by Bom. 18 of 1953, s. 3 and Second Schedule.

(*d*) is exhibited within any railway station or upon any wall or other property of a railway administration, except any portion of the surface of such wall or property fronting any street.

*Dangerous places and places where some work affecting human safety or convenience is carried on.*

Hoards to be set up during work on any building adjacent to street.

**246.** (*1*) No person who proposes to build, take down or rebuild any building or wall, or to alter or repair any part of any building or wall, shall, in any case in which the footway in any adjacent street will be thereby obstructed or rendered less convenient, commence doing so without first having caused to be put up a proper and sufficient hoard or fence, with a convenient platform and hand-rail if there be room enough for the same and the Commissioner shall think the same desirable, to serve as a footway for passengers outside of such hoard or fence.

(*2*) No hoard or fence shall be so put up without the previous written permission of the Commissioner, and every such hoard or fence, put up with such permission, with such platform and hand-rail as aforesaid, shall be continued standing and maintained in good condition to the satisfaction of the Commissioner, by the person who carries on the work, during such time as may be necessary for the public safety and convenience ; and, in all cases in which the same is necessary to prevent accidents, the said person shall cause such hoard or fence to be well lighted during the night.

(*3*) The Commissioner may, by written notice, require the person aforesaid to remove any hoard or fence so put up.

Commissioner to take proceedings for repairing or enclosing dangerous places or places where some work affecting safety or convenience is carried on.

**247.** (*1*) If any place is, in the opinion of the Commissioner, from want of sufficient repair, protection or enclosure or owing to some work being carried on thereupon, dangerous to passengers along a street, or to persons who have lawful access thereto or to the neighbourhood thereof or if any such work, in the opinion of the Commissioner, affects the safety or convenience of such persons, he may, by notice in writing, require the owner or occupier thereof to repair, protect or enclose the said place or take such other step as shall appear to the Commissioner necessary, in order to prevent danger therefrom or to ensure safety or convenience of such persons.

(*2*) The Commissioner may, before giving any such notice or before the period of any such notice has expired, take such temporary measures as he thinks fit to prevent danger from the said place or to ensure safety or convenience at such work, and any expense incurred by the Commissioner in taking such temporary measure shall be paid by the owner or occupier of the place to which the said notice refers.

Protective measures during demolition work.

**248.** (*1*) No person who proposes to take down a building or a part thereof, shall commence doing so without providing, in addition to such hoard or fence which he may be required to provide under section 246, screens extending to the full height of such building on all sides thereof so as to prevent pollution of the surrounding air with dust or injury or damage caused by the falling of any debris, bricks, wood and other material.

(*2*) If any such work is commenced in contravention of sub-section (*1*) the Commissioner may cause it to be stopped forthwith and any person carrying it out to be removed from the premises by a police officer.

*Lighting of Streets.*

Public streets to be lighted.

**249.** (*1*) The Commissioner shall—

(*a*) take measures for lighting in a suitable manner the public streets, municipal gardens and open spaces and municipal markets and all buildings vesting in the Corporation ;

(*b*) procure, erect and maintain such number of lamps, lamp-posts and other appurtenances as may be necessary for the said purpose; and

(*c*) cause such lamps to be lighted by means of oil, gas, electricity or such other light as the Corporation shall from time to time determine.

(*2*) The Commissioner may place and maintain electric wires for the purpose of lighting such lamps under, over, along or across, and posts, poles, standards, stays, struts, brackets, and other contrivances for carrying, suspending or supporting lamps or electric wires in or upon, any immovable property without being liable to any claim for compensation thereanent:

Provided that such wires, posts, poles, standards, stays, struts, brackets and other contrivances shall be so placed as to occasion the least practicable inconvenience or nuisance to any person.

*Watering of Streets.*

**250.** The Commissioner may— Measures for watering streets.

(*a*) take measures for having the public streets watered at such time and seasons and in such manner as he shall think fit;

(*b*) procure and maintain such vehicles, animals and apparatus as he shall think fit for the said purpose.

*Miscellaneous.*

**251.** No person shall, without lawful authority, take away or wilfully break, throw down or damage— Prohibition of removal, etc., of lamps or any other municipal property on streets.

(*a*) any lamp, lamp-post or lamps-iron set up in any public street or in any municipal garden, open space or market or building vesting in the Corporation;

(*b*) any electric wire for lighting any such lamp;

(*c*) any post, pole, standard, stay, strut, bracket or other contrivance for carrying, suspending or supporting any such electric wire or lamp;

(*d*) any property of the Corporation on any street;

nd no person shall wilfully extinguish the light or damage any appurtenance of any uch lamp.

**252.** If any person shall, through negligence or accident, break any lamp set up in any public street or municipal market, garden or public place or building vesting in the Corporation or shall break or damage any property of the Corporation on any street, he shall pay the expenses of repairing the damage so done by him. Persons accidentally breaking lamp etc. to repair the damage.

## CHAPTER XV.

### Building Regulations.

*Notices regarding Erection, etc. of Buildings.*

**253.** (*1*) Every person who shall intend to erect a building shall give to the Commissioner notice of his said intention in the form prescribed in the by-laws and containing all such information as may be required to be furnished under the by-laws. Notice to be given to Commissioner of intention to erect building.

(*2*) Every such notice shall be signed in the manner prescribed in the by-laws and shall be accompanied by such documents and plans as may be so prescribed.

(*3*) In this Chapter the expression " to erect a building " means—

(*a*) newly to erect a building on any site whether previously built upon or not,

(*b*) to re-erect—

(*i*) any building of which more than one-half of the cubical contents of the building above the level of the plinth have been pulled down, burnt, or destroyed,

(*ii*) any masonry building of which more than three-fourths of the superficial area of the external walls above the level of the plinth has been pulled down, or

(*iii*) any frame building of which more than three quarters of the number of the posts or beams in the external walls have been pulled down,

(*c*) to convert into a dwelling house any building or part of a building not originally constructed for human habitation or, if originally so constructed, appropriated for any other purpose,

(*d*) to convert into more than one dwelling house a building originally constructed as one dwelling house only,

(*e*) to convert by any structural alteration into a place of religious worship or into a sacred building any place or building not originally meant or constructed for such purpose,

(*f*) to roof or cover an open space between walls or buildings as regards the structure which is formed by roofing or covering such space,

(*g*) to convert by a structural alteration two or more tenements in a building into a greater or lesser number,

(*h*) to make any structural alteration in a building so as to affect its drainage or sanitary arrangements or its stability,

(*i*) to convert into a stall, shop, warehouse or godown any building not originally constructed for use as such, or

(*j*) to construct in a wall adjoining any street or land not vested in the owner of the wall, a door opening on such street or land,

and each of the above operations shall be deemed to be the erection of a new building for the purposes of this Chapter.

Notice to be given to Commissioner of intention to make additions, etc., to building.

**254.** (*1*) Every person who shall intend—

(*a*) to make any addition to a building,

(*b*) to make any alteration or repairs to a building, not being a frame-building, involving the removal or re-erection of any external or party-wall thereof or of any wall which supports the roof thereof, to an extent exceeding one-half of such wall above the plinth level, such half to be measured in superficial feet,

(*c*) to make any alteration or repairs to a frame-building, involving the removal or re-erection of more than one-half of the posts or beams in any such wall thereof as aforesaid, or involving the removal or re-erection of any such wall thereof as aforesaid to an extent exceeding one-half of such wall above plinth level, such half to be measured in superficial feet,

(*d*) to make any alteration in a building involving—

(*i*) the sub-division of any room in such building so as to convert the same into two or more separate rooms, or

(*ii*) the conversion of any passage or space in such building into a room or rooms,

(*e*) to repair, remove, construct, reconstruct or add to any portion of a building abutting on a street which stands within the regular line of such street,

(*f*) to carry out any work in a building involving—

(*i*) the construction or reconstruction of a roof,

(*ii*) the conversion of a roof into a terrace,

(*iii*) the conversion of a terrace into a roof, or

(*iv*) the construction of a lift shaft,

(*g*) to carry out any repairs to a building involving the construction of a floor of a room (excluding the ground floor),

(*h*) to permanently close any door or window in an external wall, or

(*i*) to remove or reconstruct the principal staircase or to alter its position,

shall give notice to the Commissioner, in the form prescribed in the by-laws and containing all such information as may be required to be furnished under the by-laws.

(*2*) Every such notice shall be signed in the manner prescribed in the by-laws and shall be accompanied by such documents and plans as may be so prescribed.

Plans etc., submitted, to be rejected if not drawn etc., in prescribed manner.

**255.** The Commissioner shall decline to accept any plan, section, description, structural drawings or structural calculations as sufficient for the purposes of this Act which are not drawn, given, prepared or signed in the manner prescribed in the by-laws.

Effect of non-compliance with requisition made by Commissioner.

**256.** If any requisition made by the Commissioner in accordance with the rules requiring the production of further particulars and details is not complied with, the notice given under section 253 or 254 shall be deemed not to have been given.

*Commencement of work.*

Supervision of buildings and works.

**257.** Every person who intends to erect a new building or execute any such work as is described in section 254, shall erect the building or execute the work in such manner, under such supervision, through such qualified agency, and subject to such conditions and restrictions as may be prescribed by the by-laws.

Power to Commissioner to cancel permission on the ground of material misrepresentation by applicant.

**258.** If at any time after permission to proceed with any building or work has been given under the rules, the Commissioner is satisfied that such permission was granted in consequence of any material misrepresentation or fraudulent statement contained in the notice given or information furnished under section 253 or 254, or of further information, if any, furnished, he may cancel such permission, and any work done thereunder shall be deemed to have been done without his permission.

Inspection of buildings in course of erection, alteration, etc.

**259.** The Commissioner may at any time during the erection of a building or the execution of any such work as is described in section 254 make an inspection thereof, without giving previous notice of his intention so to do.

Proceedings to be taken in respect of building or work commenced contrary to rules or by-laws.

**260.** (*1*) If the erection of any building or the execution of any such work as is described in section 254 is commenced or carried out contrary to the provisions of the rules or by-laws, the Commissioner, unless he deems it necessary to take proceedings in respect of such building or work under section 264, shall—

(*a*) by written notice, require the person who is erecting such building or executing such work or has erected such building or executed such work on or before such day as shall be specified in such notice, by a statement in writing subscribed by him or by an agent duly authorised by him in that behalf and addressed to the Commissioner, to show sufficient cause why such building or work shall not be removed, altered or pulled down, or

(*b*) shall require the said person on such day and at such time and place as shall be specified in such notice to attend personally or by an agent duly authorised by him in that behalf, and show sufficient cause why such building or work shall not be removed, altered or pulled down.

(*2*) If such person shall fail to show sufficient cause, to the satisfaction of the Commissioner, why such building or work shall not be removed, altered or pulled down, the Commissioner may remove, alter or pull down the building or work and the expenses thereof shall be paid by the said person.

Buildings or works commenced contrary to Act may be cut into and laid open for purpose of inspection.

**261.** (*1*) If there shall be reasonable ground for suspecting that in the erection of any such building or in the execution of any such work as is referred to in section 260 anything has been done contrary to any provision of this Act or of any rule or by-law, or that anything required by any such provision, rule or by-law to be done has been omitted to be done ;

and if, on inspecting such building or work, it is found that the same has been completed or is too far advanced to permit of any such fact being ascertained ;

the Commissioner may, with the approval of the Standing Committee, by a written notice, require the person who has erected such building or executed such work or is erecting such building or executing such work to cause so much of the building as prevents any such fact being ascertained to be cut into, laid open or pulled down to a sufficient extent to permit of the same being ascertained.

(*2*) If it shall thereupon be found that in the erection of such building or the execution of such work nothing has been done contrary to any provision of this Act or of any rule or by-law, and that nothing required by any such provision, rule or by-law to be done has been omitted to be done, compensation shall be paid by the Commissioner to the person aforesaid for the damage and loss incurred by cutting into, laying open or pulling down the building or work.

Enforcement of provisions concerning buildings and works.

**262.** The Commissioner may, at any time during the erection of a building or the execution of any such work as aforesaid, or at any time within three months after the completion thereof, by written notice specify any matter in respect of which the erection of such building or the execution of such work may be in contravention of any provision of this Act or of any rule or by-law, and require the person erecting or executing or who has erected or executed such building or work, or, if the person who has erected or executed such building or work is not at the time of the notice the owner thereof, then the owner of such building

or work, to cause anything done contrary to any such provision rule or by-law to be amended or to do anything which by any such provision, rule or by-law may be required to be done but which has been omitted to be done.

Completion certificates; permission to occupy or use.

**263.** (*1*) Every person shall, within one month after the completion of the erection of a building or the execution of any such work as is described in section 254, deliver or send or cause to be delivered or sent to the Commissioner at his office, notice in writing of such completion, accompanied by a certificate in the form prescribed in the by-laws signed and subscribed in the manner so prescribed, and shall give to the Commissioner all necessary facilities for the inspection of such building or of such work and shall apply for permission to occupy the building.

(*2*) No person shall occupy or permit to be occupied any such building, or use or permit to be used the building or part thereof affected by any work, until—

(*a*) permission has been received from the Commissioner in this behalf, or

(*b*) the Commissioner has failed for twenty-one days after receipt of the notice of completion to intimate his refusal of the said permission.

*Dangerous Structures.*

Removal of structures, etc., which are in ruins or likely to fall.

**264.** (*1*) If it shall at any time appear to the Commissioner that any structure (including under this expression any building, wall, parapet, pavement, floor, steps, railings, door or window frames or shutters or roof, or other structure and anything affixed to or projecting from or resting on, any building, wall, parapet or other structure) is in a ruinous condition or likely to fall, or in any way dangerous to any person occupying, resorting to or passing by such structure or any other structure or place in the neighbourhood thereof, the Commissioner may, by written notice, require the owner or occupier of such structure to pull down, secure, remove or repair such structure or thing or do one or more of such things and to prevent all cause of danger therefrom.

(*2*) The Commissioner may also, if he thinks fit, require the said owner or occupier by the said notice, either forthwith or before proceeding to pull down, secure, remove or repair the said structure or thing, to set up a proper and sufficient hoard or fence for the protection of passers-by and other persons, with a convenient platform and hand-rail, if there be room enough for the same and the Commissioner shall think the same desirable, to serve as a footway for passengers outside of such hoard or fence.

(*3*) If it appears to the Commissioner that the danger from a structure which is ruinous or about to fall is imminent, he may, before giving notice as aforesaid or before the period of notice expires, fence off, take down, secure or repair the said structure or take such steps or cause such work to be executed as may be required to arrest the danger.

(*4*) Any expenses incurred by the Commissioner under sub-section (*3*) shall be paid by the owner or occupier of the structure.

(*5*) (*a*) Where the Commissioner is of opinion whether on receipt of an application or otherwise that the only or the most convenient means by which the owner or occupier of a structure such as is referred to in sub-section (*1*) can pull down, secure, remove or repair such structure, is by entering any of the adjoining premises belonging to some other person the Commissioner after giving such person a reasonable opportunity of stating any objection may, if no such objection is raised or if any objection which is raised appears to him invalid or insufficient, by an order in writing, authorize the said owner or occupier to enter such adjoining premises.

(*b*) Every such order bearing the signature of the Commissioner shall be a sufficient authority to the person in whose favour it is made, or to any agent or person employed by him for this purpose, after giving to the owner of the premises reasonable written notice of his intention so to do, to enter upon the said premises with assistants and workmen, at any time between sunrise and sunset, and to execute the necessary work.

(*c*) In executing any work under this section as little damage as can be, shall be done to the adjoining owner's property, and the owner or occupier of premises for the benefit of which the work is done, shall

(*i*) cause the work to be executed with the least practicable delay;

(*ii*) pay compensation to any person who sustains damage by the execution of the said work.

Periodic inspection of buildings.

**265.** (*1*) It shall be incumbent on the owner of every building to maintain every part thereof and everything appurtenant thereto in such repair as to prevent its becoming dangerous.

(*2*) The Commissioner may by written notice require the owner of any building to get the building inspected at such intervals and in such manner as may be prescribed in the by-laws.

(*3*) The owner shall within two months of the inspection under sub-section (*2*) undertake such repairs as the inspection shall show to be necessary for the purpose of securing the stability of the structure within the meaning of section 264 after complying with all the provisions of this Act and the rules and by-laws in regard to such repairs and shall, on completion of such repairs, submit to the Commissioner a certificate signed by the person who made the inspection, of his having carried out the repairs satisfactorily.

(*4*) A report of every inspection made under sub-section (*2*) shall forthwith be submitted to the Commissioner by the person who carried it out and the Commissioner may take such action in respect of such building as he deems fit under this section or under any other provision of this Act if the owner fails to comply with the requirements of sub-section (*3*).

(*5*) The expenses incurred by the Commissioner under sub-section (*4*) shall be paid by the owner.

Dangerous openings in buildings.

**266.** If it shall at any time appear to the Commissioner that any opening in any part of a building is so situated as to constitute a danger to human life, he may, by written notice, require that such opening shall be enclosed or protected by bars, grills or such other device to his satisfaction.

*Works unlawfully carried on.*

Powers of Commissioner to direct removal of person directing unlawful work.

**267.** (*1*) If the Commissioner is satisfied that the erection of any building or the execution of any such work as is described in section 254 has been unlawfully commenced or is being unlawfully carried on upon any premises he may, by written notice, require the person directing or carrying on such erection or execution to stop the same forthwith.

(*2*) If such erection or execution is not stopped forthwith, the Commissioner may direct that any person directing or carrying on such erection or execution shall be removed from such premises by any police officer and may cause such steps to be taken as he may consider necessary to prevent the re-entry of such person on the premises without his permission.

(*3*) The cost of any measures taken under sub-section (*2*) shall be paid by the said person.

*Power to vacate premises.*

Power of Commissioner to vacate any building in certain circumstances.

**268.** (*1*) Notwithstanding the provisions of any other law to the contrary the Commissioner may, by written notice, order any building or any portion thereof to be vacated forthwith or within the time specified in such notice—

(*a*) if such building or portion thereof has been unlawfully occupied in contravention of section 263;

(*b*) if a notice has been issued in respect of such building or part thereof requiring the alteration or reconstruction of any existing staircase, lobby, passage or landing and the works specified in such notice have not been commenced or completed;

(*c*) if the building or part thereof is in a ruinous or dangerous condition within the meaning of section 264.

(*2*) In every such notice the Commissioner shall clearly specify the reasons for requiring such building or portion thereof to be vacated.

(*3*) The affixing of such written notice on any part of such premises shall be deemed a sufficient intimation to the occupiers of such building or portion thereof.

(*4*) On the issue of a notice under sub-section (*1*) every person in occupation of the building or portion thereof to which the notice relates shall vacate such building or portion as directed in the notice and no person shall so long as the notice is not withdrawn enter the building or portion thereof except for the purpose of carrying out any work which he may lawfully carry out.

(*5*) The Commissioner may direct that any person who acts in contravention of sub-section (*4*) shall be removed from such building or part thereof by any police officer.

(*6*) The Commissioner shall, on the application of any person who has vacated any premises in pursuance of a notice under sub-section (*1*), reinstate such person in the premises on the withdrawal of such notice, unless it is in his opinion impracticable to restore substantially the same terms of occupation by reason of any structural alteration or demolition.

(*7*) The Commissioner may direct the removal from the said premises by any police officer of any person who obstructs him in any action taken under sub-section (*6*) and may also use such force as is reasonably necessary to effect entry in the said premises.

*Regulation of certain classes of buildings in particular localities.*

Power to regulate future construction of certain classes of buildings in particular streets or localities.

**269.** (*1*) The Commissioner may give public notice of his intention to declare, subject to any valid objection that may be preferred within a period of three months,—

(*a*) that in any streets or portions of streets specified in such notice the elevation and construction of the frontage of all buildings or any classes of buildings thereafter erected or re-erected shall in respect of their architectural features be such as the Corporation may consider suitable to the locality;

(*b*) that in any localities specified in the notice there shall be allowed the construction of only detached or semidetached buildings or both and that the land

appurtenant to each such building shall be of an area not less than that specified in such notice ;

(*c*) that the minimum size of building plots in particular localities shall be of a specified area ;

(*d*) that in any localities specified in the notice the construction of more than a specified number of buildings on each acre of land shall not be allowed; or

(*e*) that in any streets, portions of streets or localities specified in such notice the construction of shops, warehouses, factories, huts or buildings designed for particular uses shall not be allowed without the special permission of the Commissioner granted in accordance with general regulations framed by the Standing Committee in this behalf and subject to the terms of such permission only.

(*2*) The Standing Committee shall consider all objections received within a period of three months from the publication of such notice, and shall then submit the notice with a statement of objections received and of its opinion thereon to the Corporation.

(*3*) No objection received after the said period of three months shall be considered.

(*4*) Within a period of two months after the receipt of the same the Corporation shall submit all the documents referred to in sub-section (*2*) with a statement of its opinion thereon to the Provincial Government.

(*5*) The Provincial Government may pass such orders with respect to such declaration as it may think fit :

Provided that such declaration shall not thereby be made applicable to any street, portion of a street or locality not specified in the notice issued under sub-section (*1*).

(*6*) The declaration as confirmed or modified by the Provincial Government shall be published in the *Official Gazette* and shall take effect from the date of such publication.

(*7*) No person shall erect or re-erect any building in contravention of any such declaration.

## CHAPTER XVI.

### Improvement Schemes.

Commissioner to make draft improvement scheme.

**270.** (*1*) Subject to the provisions of sub-section (*4*), if it shall appear to the Commissioner—

(A) that within certain limits in any part of the City,

(*a*) any buildings used, or intended or likely to be used, for human habitation, are unfit for human habitation,

(*b*) the narrowness, closeness and bad arrangement or the bad condition of the streets and buildings, or groups of buildings, within such limits or the want of light, air, ventilation or proper convenience, or any other sanitary defects, or one or more of such causes, are dangerous or injurious to the health of the inhabitants either of the buildings within the area of such limits, or of the neighbouring buildings, and that the evils connected with such buildings and the sanitary defects in such area cannot be effectually remedied otherwise than by an improvement scheme for the rearrangement and reconstruction of the streets and buildings within such area or of some of such streets or buildings, or

(*c*) it is necessary to provide for the construction of buildings for the accommodation of the poorer sections of the community ; or

(B) that for the purpose of providing new building sites or of remedying the defective ventilation of any part of the City, or of creating new or increasing the existing means of communication and facilities for traffic between various parts

of the City it is expedient to form new or to alter existing streets or to construct or reconstruct any bridges, causeways, sub-ways or other works appurtenant thereto in any part of the City, the Commissioner may—

(*i*) with the previous approval of the Corporation, which shall not be given unless the Corporation is satisfied of the sufficiency of its resources, draw up a notification stating that the Commissioner proposes to make an improvement scheme, specifying the area to which the resolution relates and the works proposed to be included in such scheme and naming a place where a map of the said area may be seen at all reasonable hours;

(*ii*) during three consecutive weeks publish simultaneously in the *Official Gazette* and in the local newspapers a copy of the said notification; and

(*iii*) proceed to make a draft improvement scheme and submit the scheme to the Standing Committee for approval.

(*2*) In making an improvement scheme more than one area may be included in one improvement scheme.

(*3*) With the previous approval of the Corporation the Commissioner may, for the purpose of making an improvement scheme, cause surveys to be made in areas either inside or outside the limits of the area comprised in the scheme to be made.

Bom. LXIX of 1948. (*4*) No improvement scheme shall, notwithstanding anything contained in this Chapter, be made for any area for which a housing scheme has been sanctioned under the provisions of the Bombay Housing Board Act, 1948.

Particulars to be provided for in an improvement scheme.

**271.** (*1*) The improvement scheme, which may exclude any part of the area included in the notification referred to in section 270, or include any neighbouring land, if the Commissioner is of opinion that such exclusion or inclusion is necessary for the proper carrying out of the scheme,—

(*a*) shall, within the limits of the area comprised in the scheme, provide for—

(*i*) the acquisition of any land which will, in the opinion of the Commissioner, be necessary for or, subject to the provisions of sub-section (*2*), be affected by the execution of the scheme;

(*ii*) relaying out all or any land including the construction and reconstruction of buildings and the formation and alteration of streets;

(*iii*) the laying of such storm-water drains and sewers as may be required for the efficient draining and sewering of streets so formed or altered;

(*iv*) the lighting of streets so formed or altered;

(*b*) may, within the limits aforesaid, provide for—

(*i*) the construction or reconstruction of bridges, causeways or sub-ways or any other works appurtenant thereto;

(*ii*) raising any land which the Commissioner may deem expedient to raise for the better drainage of the locality;

(*iii*) forming open spaces for the better ventilation of the area comprised in the scheme or any adjoining area;

(*iv*) the whole or any part of the sanitary arrangements required; and

(*c*) may, within and without the limits aforesaid, provide for the construction of buildings for the accommodation of the poorer sections of the community including the whole or part of such sections to be displaced in the execution of the scheme:

Provided that no neighbouring land shall be included in an improvement scheme unless previous notice of such inclusion has been given in the manner provided in item (*ii*) in sub-section (*1*) of section 270.

(*2*) If, in the opinion of the Commissioner, any land within the limits aforesaid which is not required for the execution of the scheme will, as the result of such execution, be increased in value the scheme may, in lieu of providing for the acquisition of such land, provide for the levy of a betterment charge as hereinafter provided in respect of the increase in value thereof.

(*3*) In making an improvement scheme for any area regard shall be had to the conditions and nature of neighbouring parts of the City and of the City as a whole, and to the likelihood of improvement schemes being required for the neighbouring and other parts of the City.

Procedure on completion of scheme.

**272.** (*1*) On the submission by the Commissioner of a draft improvement scheme, the Standing Committee shall take such scheme into its consideration and may approve the same with or without such alteration as it thinks fit.

(*2*) Upon the approval of an improvement scheme by the Standing Committee the Commissioner shall forthwith draw up a notification stating the fact of a scheme having been made, the limits of the area comprised therein, and naming a place where particulars of the scheme, a map of the same and a statement of the land which it is proposed to acquire or in respect of which it is proposed to levy a betterment charge may be seen at all reasonable hours, and shall—

(*a*) communicate a copy of such notification, particulars, map and statement to the Corporation;

(*b*) publish the notification in the manner prescribed for the publication of a notification under section 270.

(*3*) During the thirty days next following the first day on which such notification is published, the Commissioner shall serve a notice upon every person whose name appears in the Commissioner's Assessment-book as primarily liable for the payment of the property taxes leviable under this Act on any land or building or part of a building which it is proposed to acquire or in respect of which it is proposed to levy a betterment charge.

(*4*) Such notice shall—

(*a*) state that the Commissioner on behalf of the Corporation proposes to acquire such land or building or part of a building or to levy a betterment charge in respect thereof for the purpose of or in connection with an improvement scheme, and

(*b*) require the person so served, if he objects to such acquisition or levy, to state his reasons in writing within thirty days from the date of service of the notice.

Right of owner to demand acquisition on issue of notification when building operations are in progress.

**273.** (*1*) If any land is included in any statement specifying the land proposed to be acquired made in accordance with any notification drawn up under section 272, and if the owner of such land shall prove to the satisfaction of the Collector that at the date of the said notification building operations were in progress on such land or any part thereof and the buildings were structurally complete up to the first floor level, the Collector shall call upon the Commissioner to acquire such land.

(*2*) On receipt of such notice the Commissioner shall forthwith report the matter to the Standing Committee and the said Committee shall then resolve whether in its opinion it is desirable to acquire the land set out in the notice or to withdraw from the proposal to acquire and shall communicate its resolution within two months to the Corporation which shall within one month after receipt thereo communicate to the Commissioner the decision of the Corporation in the matter,

and thereupon the Commissioner shall forthwith in accordance with such decision either proceed to acquire such land or shall give written notice to the owner that the proposal to acquire has been withdrawn.

(*3*) If the Corporation decides to acquire the land, the Commissioner shall give notice of such decision to the Collector and the owner, and the Collector shall proceed as if a declaration had been made in respect of the land in question under section 6 of the Land Acquisition Act, 1894.

1of 1894.

(*4*) If the Corporation withdraws from the proposal to acquire any land under sub-section (*2*), such land shall not be included in any statement of the land proposed to be acquired, made in accordance with any notification drawn up under section 272, until the expiry of two years from the date of the issue of written notice of withdrawal to the owner.

(*5*) Notwithstanding anything contained in this section, if the Corporation withdraws from the proposal to acquire any land under sub-section (*2*), such land may be included in, or added to, any statement of the land in respect of which it is proposed to levy a betterment charge made in accordance with any notification drawn up under section 272:

Provided that the provisions of sub-sections (*3*) and (*4*) of section 272 shall apply in respect of such land as if the period of thirty days referred to in the said sub-section (*3*) commenced on the date on which notice was given to the owner that the proposal to acquire has been withdrawn.

Right of owner to demand acquisition or withdrawal by Corporation after lapse of two years from date of notification.

**274.** (*1*) The owner of any land included in any statement of the land proposed to be acquired made in accordance with any notification drawn up under section 272 may at any time before the publication of a declaration under section 278 and after the expiry of one year from the date of such notification by written notice to the Commissioner setting out the particulars of such land call upon the Commissioner to acquire such land on behalf of the Corporation.

(*2*) On receipt of such notice the Commissioner shall forthwith report the matter to the Standing Committee and the said Committee shall resolve whether in its opinion it is desirable to acquire the land set out in the notice and shall communicate its resolution within two months to the Corporation which shall within two months after the receipt thereof communicate to the Committee and Commissioner the decision of the Corporation in the matter and thereupon the Commissioner shall in accordance with such decision either decide to acquire such land or shall give notice to the owner that he has withdrawn the proposal to acquire.

(*3*) If the Corporation decides to acquire the land it shall instruct the Commissioner to give notice of such decision to the Collector and to the owner, and the Collector shall proceed as if a declaration had been made in respect of the land in question under section 6 of the Land Acquisition Act, 1894.

1of 1894.

(*4*) If the Corporation withdraws from the proposal to acquire any land under sub-section (*2*) such and shall not be included in any statement of the land proposed to be acquired made in accordance with any notification drawn up under section 272 until the expiry of two years from the date of the issue of written notice of withdrawal to the owner.

(*5*) Notwithstanding anything contained in this section, if the Corporation withdraws from the proposal to acquire any land under sub-section (*2*), such land may be included in, or added to, any statement of the land in respect of which it is proposed to levy a betterment charge made in accordance with any notification drawn up under section 272 :

Provided that the provisions of sub-sections (*3*) and (*4*) of section 272 shall apply in respect of such land as if the period of thirty days referred to in the said sub-section (*3*) commenced on the date on which notice was given to the owner that the proposal to acquire has been withdrawn.

Standing Committee after publication and service of notices to forward scheme to Corporation for approval.

**275.** (*1*) Upon compliance with the foregoing provisions with respect to the publication of notices of the scheme the Commissioner shall submit to the Standing Committee any objection or representation received under section 272 together with any suggestion he may wish to make in respect of the modification of the scheme.

(*2*) The Standing Committee shall, after consideration of any such objection, representation or suggestion and after inserting in the scheme such modification as it thinks fit, submit the scheme together with any objection, representation or suggestion to the Corporation for its approval.

Corporation to consider improvement scheme and to approve or disapprove.

**276.** The Corporation shall, on receipt of a scheme from the Standing Committee, proceed to take such scheme into consideration together with any objection, representation, or suggestion received or made under section 272 or 275 and shall, after having approved the scheme with or without modification or declined to approve the scheme, pass a resolution to that effect.

Commissioner to apply to Provincial Government for sanction to the scheme.

**277.** (*1*) As soon as the Corporation has approved the scheme the Commissioner shall apply to the Provincial Government on behalf of the Corporation for sanction to the scheme.

(*2*) If the Corporation declines to approve the scheme the Commissioner shall forthwith draw up and publish in the manner provided in section 270 a notification stating that the Corporation has resolved not to proceed with the making of the scheme, and on such publication the notifications relating to the scheme published under sections 270 and 272 shall be deemed to be cancelled.

(*3*) An application to the Provincial Government under sub-section (*1*) for sanction shall be accompanied by—

(*a*) a copy of the resolution passed by the Standing Committee under section 272;

(*b*) a copy of the resolution passed by the Corporation under section 270;

(*c*) a description with full particulars of the scheme including the reasons for any modifications inserted therein;

(*d*) complete plans and estimates of the cost of executing the scheme;

(*e*) a statement specifying the land which it is proposed to acquire or in respect of which it is proposed to levy a betterment charge;

(*f*) a list of the names of the persons, if any, who in answer to the notices mentioned in sub-section (*3*) of section 272 objected, with the reasons (if any) stated by such persons for objection, in respect of the acquisition of their land or the levy of a betterment charge;

(*g*) a schedule showing the rateable value, as entered in the Commissioner's Assessment-book, at the date of the publication of a notification relating to the land under section 272, of all land specified in the statement under clause (*e*) and of any other land wholly or partially situated within eighty feet from either side of any street to be formed or altered in executing the scheme.

On receipt of sanction declaration to be published giving particulars of land to be acquired and on publication of such declaration Commissioner to be authorised to execute scheme.

**278.** (*1*) (*a*) On receipt of the sanction of the Provincial Government the Commissioner shall forward to the Provincial Government a declaration for notification stating the fact of such sanction and that the land proposed to be acquired by the Corporation for the purposes of the scheme is required for a public purpose.

(*b*) The declaration shall be published in the *Official Gazette* in the same manner as an order of the Provincial Government and shall state the limits within which the land proposed to be acquired is situate, the purpose for which it is needed, its approximate area, and the place where a plan of the land may be inspected.

(*c*) The said declaration shall be conclusive evidence that the land is needed for a public purpose, and the Commissioner shall, upon the publication of the said declaration, proceed to execute the scheme.

(*2*) (*a*) If at any time it appears to the Commissioner, the Standing Committee or the Corporation, as the case may be, that an improvement can be made in any part of the scheme, the Corporation may alter the scheme for the purpose of making such improvement and thereupon the Commissioner shall, subject to the provisions contained in the next two clauses of this sub-section, forthwith proceed to execute the scheme as altered.

(*b*) If the estimated net cost of executing the scheme as altered exceeds by ten per cent. the estimated net cost of executing the scheme as sanctioned, the Commissioner shall not, without the previous sanction of the Corporation and of the Provincial Government, proceed to execute the scheme as altered.

(*c*) If the scheme as altered involves the acquisition, otherwise than by agreement, of or the levy of a betterment charge in respect of any land other than that specified in the schedule accompanying the scheme under sub-section (*3*) of section 277 the provisions of sections 272 and 277 and of sub-section (*1*) shall apply to the part of the scheme so altered, in the same manner as if such altered part were the scheme.

If Corporation fail to acquire the land, owner may call upon Corporation to acquire it or to withdraw from proposal.

**279.** If, within three years from the declaration aforesaid, the Corporation fails to acquire any land included in such declaration or any part of such land, the owner of such land may, by written notice setting out the particulars of such land, call upon the Corporation to acquire such land or to withdraw from the proposal to acquire it and thereafter the procedure prescribed in sub-sections (*2*) to (*5*) of section 274 shall be followed.

Method of calculation of betterment charge.

**280.** Where an improvement scheme has provided for the levy of a betterment charge pursuant to sub-section (*2*) of section 271, such betterment charge shall be an amount equal to one-half of the increase in value of the land, including the buildings, if any, thereon and shall be calculated upon the amount by which the value of the said land on completion of the execution of the scheme exceeds the value of the said land at the time of the publication of the notification made under section 272.

Procedure for determining charge.

**281.** (*1*) When it appears to the Commissioner that an improvement scheme is sufficiently advanced to enable the amount of the betterment charge to be determined, the Commissioner shall make a report to the Standing Committee to that effect, and the Standing Committee after considering the report may by resolution declare the date on which, for the purpose of determining the amount of the betterment charge, the execution of the scheme shall be deemed to have been completed.

(*2*) The amount of betterment charge leviable in each case shall be determined in accordance with section 280 after following the procedure prescribed in sub-section (*3*) by such officer as the Provincial Government may by notification in the *Official Gazette* appoint in this behalf at the request of the Corporation.

(*3*) On a date being fixed under sub-section (*1*) and an officer being appointed under sub-section (*2*) the Commissioner shall, in consultation with such officer, serve upon every person on whom a notice in respect of the property affected has been served under sub-section (*3*) of section 272, a notice which shall state—

(*a*) the date declared by the Standing Committee under sub-section (*1*) as aforesaid;

(*b*) the time, being some time not less than twenty-one days after the service of the notice, and place at which the assessment of the betterment charge will be considered by such officer, and every person upon whom such a notice is served shall be entitled to be heard either in person or by a duly authorised agent when the matter is taken into consideration by such officer.

(*4*) When such officer has determined the amount of the betterment charge leviable in respect of any property, the Commissioner shall serve upon the person concerned a notice stating the amount so determined.

(*5*) With effect from the date of service of the notice under sub-section (*4*) and, subject to the decision upon any reference made to the District Court as hereinafter provided in sub-section (*6*), the amount of the betterment charge determined as aforesaid and interest thereon, if any, shall be a charge upon the property in respect of which it is levied, and shall be recoverable in the same manner as expenses declared to be improvement expenses under section 442.

(*6*) If any person is dissatisfied with the charge determined by the officer appointed by the Provincial Government under sub-section (*2*), the Commissioner shall, upon the application of such person at any time within one month from the date of the service of a notice under sub-section (*4*), refer the case for the determination of the District Court whose decision thereupon shall be final.

(*7*) If no application for determination by the District Court is made as provided in sub-section (*6*) the determination of the amount of a betterment charge by the officer appointed by the Provincial Government in this behalf shall be final.

**Extent to which Land Acquisition Act shall apply to acquisition of land otherwise than by agreement.**

**282.** The Land Acquisition Act, 1894, hereinafter referred to as "the Land Acquisition Act" shall, to the extent set forth in Appendix I regulate and apply to the acquisition of land under this Chapter, otherwise than by agreement, and shall for that purpose be deemed to form part of this Chapter in the same manner as if enacted in the body hereof, subject to the provisions of this Chapter and the provisions following namely :— I of 1894.

(*1*) a reference to any section of the Land Acquisition Act shall be deemed to be a reference to such section, as modified by the provisions of this Chapter, and the expression "land" as used in the Land Acquisition Act shall be deemed to have the meaning assigned to it by clause (30) of section 2 of this Act, and clause (*b*) of section 3 of the Land Acquisition Act shall, for the purposes of this Chapter, be read as if the words and parentheses "(including the Crown)" were inserted after the words "includes all persons", and the words "or if he is the owner of any right created by legislative enactment over any street forming part of the land" were added after the words "affecting the land";

(*2*) in the construction of sub-section (*2*) of section 4 of the Land Acquisition Act and the provisions of this Chapter the provisions of the said sub-section shall,

for the purposes of this Act, be applicable immediately upon the passing of a resolution under sub-section (*1*) of section 270 and the expression "Provincial Government" shall be deemed to include the Commissioner, and the words "such locality" shall be deemed to mean the locality referred to in any such resolution;

(*3*) in the construction of the sections of the Land Acquisition Act deemed to form part of this Chapter and of the provisions of this Chapter, the publication of a notification under sub-section (*1*) of section 270 shall be deemed to be the publication of a notification under sub-section (*1*) of section 4 of the Land Acquisition Act and the date of publication of the declaration under section 278 shall be deemed to be the date of the publication of the declaration under section 6 of the Land Acquisition Act:

Provided that where land is acquired under section 273 or sub-section (*3*) of section 274 the date of publication of the notification under sub-section (*2*) of section 272 shall be deemed to be the date of publication of a declaration under section 6 of the Land Acquisition Act.

(*4*) In the construction of sub-section (*2*) of section 50 of the Land Acquisition Act and the provisions of this Chapter the Commissioner shall be deemed to be the local authority or company concerned.

(*5*) Notwithstanding anything contained in sub-section (*1*) of section 49 of the Land Acquisition Act, it shall not be competent for the owner of any building of which it is proposed to acquire only a part, to insist on the acquisition of his entire holding where the part proposed to be acquired can, in the opinion of the Collector, be severed from the remainder without material detriment thereto:

Provided that the Collector shall, if required by the owner of such building, refer the question whether such part can be severed from the remainder without material detriment for the determination of the Court and the Court shall decide upon such a reference, as if it were a reference to the Court under the said sub-section:

Provided also that if, in the opinion of the Collector or, in the event of a reference, of the Court, the part proposed to be acquired cannot be severed from the remainder without material detriment thereto, the Provincial Government may, at the instance of the Commissioner, order the acquisition of the remainder, and in such case no fresh declaration shall be necessary, but the Collector shall without delay furnish a copy of the order of the Provincial Government to the person or persons interested and shall thereafter take order for the acquisition of the remainder in like manner and with like powers in all respects as if the acquisition had originally been provided for in the improvement scheme.

Special provisions as to compensation.

**283.** In determining the amount of compensation to be awarded for any land or building acquired for the purposes of this Act the following further provisions shall apply:—

(*1*) the Court shall take into consideration any increase to the value of any other land or building belonging to the person interested likely to accrue from the acquisition of the land or from the acquisition, alteration or demolition of the building;

(*2*) when any addition to, or improvement of, the land or building has been made after the date of the publication under sub-section (*2*) of section 272 of notification relating to the land or building, such addition or improvement shall not (unless it was necessary for the maintenance of the building in

a proper state of repair) be included, nor in the case of any interest acquired after the said date shall any separate estimate of the value thereof be made, so as to increase the amount of the compensation to be paid for the land or building;

(*3*) in estimating the market value of the land or building at the date of the publication of a notification relating thereto under sub-section (*2*) of section 272 the Court shall have due regard to the nature and the condition of the property and the probable duration of the building, if any, in its existing state and to the state of repair thereof and to the provisions of clauses (4), (5) and (6) of this section;

(*4*) if in the opinion of the Court the rental of the land or building has been enhanced by reason of its being used for an illegal purpose, or being so overcrowded as to be dangerous or injurious to the health of the inmates, the rental shall not be deemed to be greater than the rental which would be obtainable if the land or building were used for legal purposes only, or were occupied by such a number of persons only as it was suitable to accommodate without risk of such overcrowding;

*Explanation.*—For the purposes of this sub-section overcrowding shall be interpreted as in section 307;

(*5*) if in the opinion of the Court the building is in a state of defective sanitation, or is not in reasonably good repair, the amount of compensation shall not exceed the estimated value of the property after the building has been put into a sanitary condition, or into reasonably good repair, less the estimated expense of putting it into such condition or repair;

(*6*) if in the opinion of the Court the building being used or intended or likely to be used for human habitation is not reasonably capable of being made fit for human habitation, the amount of compensation for the building shall not exceed the value of the materials, less the cost of the demolition;

(*7*) compensation may be awarded if the Court thinks fit in respect of the severance of any part of a building proposed to be acquired in addition to the value of such part.

**Collector to take possession after making an award and transfer land to Corporation.**

**284.** When the Collector has made an award under section 11 of the Land Acquisition Act, as applied by this Act, he may take possession of the land which shall thereupon vest absolutely in the Crown free from all encumbrances, and the Collector shall, upon payment of the cost of the acquisition, make over charge of the land to the Commissioner and the land shall thereupon vest in the Corporation subject to the liability of the Commissioner to pay on behalf of the Corporation any further costs which may be incurred on account of the acquisition of the land.

## CHAPTER XVII.

### MUNICIPAL FIRE-BRIGADE.

**Maintenance of firemen and of necessary fire engines, etc.**

**285.** (*1*) With a view to the discharge by the Corporation of the duty of extinguishing fire and protecting life and property in case of fire, the Commissioner shall provide, in the statement of municipal officers and servants from time to time prepared by him under section 51, for a force of firemen, with a proper number of officers over them to be called "the municipal fire-brigade", and shall furnish

the said brigade with all such fire-engines, fire-escapes, vehicles, accoutrements, tools, implements and means of intercommunication as may be necessary for the efficient discharge of their duties.

(*2*) A person may be appointed to be a member of the fire-brigade in addition to any other office or employment of such person.

(*3*) The Corporation may recognise any body of persons on such terms and conditions as it may fix as a volunteer fire-brigade to supplement the municipal fire-brigade.

Powers of Chief Officer of Fire-Brigade at a fire.

**286.** On the occasion of a fire the Chief or other officer in charge of the fire-brigade may, subject to such orders as the Commissioner may from time to time issue in this behalf, take the command of all municipal officers and servants present and of any other persons who voluntarily place their services at his disposal; and may on such occasions exercise all or any of the powers specified in the rules.

Police and municipal officers and servants to aid the fire brigade.

**287.** (*1*) It shall be the duty of all police officers and of all municipal officers and servants to aid the fire-brigade in the execution of their duties.

(*2*) Any police officer or any municipal officer may close any street in or near which a fire is burning and remove any persons who interfere by their presence with the operations of the fire-brigade.

Damage done by fire-brigade to be deemed damage by fire.

**288.** (*1*) Any damage occasioned by the fire-brigade in the due execution of their duties, or by any police or municipal officer or servant who aids the fire-brigade, shall be deemed to be damage by fire.

(*2*) No damages shall be payable for any act done in good faith by any person in any operations carried out in pursuance of section 286 or 287.

Report of fire to be submitted.

**289.** A report of every fire which occurs in the City shall be submitted by the chief or other officer in charge of the fire-brigade not later than the day following the fire to the Commissioner, who shall make such further inquiry, if any, as he may deem necessary and shall furnish a weekly return of all fires which occur in the City to the Standing Committee.

## CHAPTER XVIII.

### Sanitary Provisions.

### *Scavenging and Cleansing.*

Commissioner to provide for cleansing of streets and removal of refuse.

**290.** For the purpose of securing the efficient scavenging and cleansing of all streets and premises, the Commissioner shall take measures for securing—

(*a*) the daily surface-cleansing of all streets in the City and removal of the sweeping therefrom;

(*b*) the removal of the contents of all receptacles and depots and of the accumulations at all places provided or appointed by him under the provisions of this Act for the temporary deposit of dust, ashes, refuse, rubbish, trade refuse, carcasses of dead animals and excrementitious and polluted matter.

Refuse etc., to be the property of the Corporation.

**291.** All matters deposited in public receptacles, depots and places provided or appointed under section 292 and all matters collected by municipal servants or contractors in pursuance of sections 290 and 293 shall be the property of the Corporation.

Provision and appointment of receptacles, depots and places for refuse, etc.

**292.** The Commissioner shall provide or appoint in proper and convenient situations public receptacles, depots and places for the temporary deposit or final disposal of—

(*a*) dust, ashes, refuse and rubbish ;
(*b*) trade refuse ;
(*c*) carcasses of dead animals ;
(*d*) excrementitious and polluted matter :

Provided that the said matters shall not be finally disposed of in any place or manner in which the same have not heretofore been so disposed of, without the sanction of the Corporation or in any place or manner which the Provincial Government thinks fit to disallow.

Provision may be made by Commissioner for collection etc., of excrementitious and polluted matter.

**293.** When the Commissioner has given public notice, under clause (*a*) of sub-section (*1*) of section 131, of his intention to provide, in a certain portion of the City, for the collection, removal, and disposal, by municipal agency, of all excrementitious and polluted matter from privies, urinals and cesspools, it shall be lawful for the Commissioner to take measures for the daily collection, removal and disposal of such matter from all premises situated in the said portion of the City.

Special sanitary arrangements at certain places.

**294.** (*1*) The Commissioner shall make such special arrangements, whether permanent or temporary, as he considers adequate for maintaining sanitation in the vicinity of any temple, math, mosque, tomb or any place of religious worship or instruction to which large numbers of persons resort on particular occasions or in any place which is used for holding fairs or festivals.

(*2*) The Commissioner may require any person having control over any such place as aforesaid to pay to the Corporation such contribution towards the cost of the special measures taken under sub-section (*1*) as the Corporation may from time to time fix.

Scavengers' duties in certain cases may not be discharged by private individuals without Commissioner's permission.

**295.** In any portion of the City in which the Commissioner has given a public notice under clause (*a*) of sub-section (*1*) of section 131 and in any premises, wherever situate, in which there is a water-closet or privy connected with a municipal drain, it shall not be lawful, except with the written permission of the Commissioner, for any person who is not employed by or on behalf of the Commissioner to discharge any of the duties of scavengers.

*Inspection and Sanitary Regulation of Premises.*

Power to inspect premises for sanitary purposes.

**296.** The Commissioner may inspect any building or other premises for the purpose of ascertaining the sanitary condition thereof.

Cleansing and lime-washing of any building may be required.

**297.** If it shall appear to the Commissioner necessary for sanitary reasons so to do, he may, by written notice, require the owner or occupier of any building so inspected, to cause the same or some portion thereof to be lime-washed or otherwise cleansed, either externally or internally, or both externally and internally.

Buildings or rooms in buildings unfit for human habitation.

**298.** (*1*) If, for any reason, it shall appear to the Commissioner that any building or any room in a building intended for or used as a dwelling is unfit for human habitation, he shall give to the owner or occupier of such building notice in writing stating such reason and signifying his intention to prohibit the further use of the building or room, as the case may be, as a dwelling and shall by such notice call upon the owner or occupier aforesaid to state in writing any objection thereto within thirty days after the receipt of such notice, and if no objection is raised by such owner or occupier within such period as aforesaid, or if any objection which is raised by such owner or occupier within such period appears to the Commissioner invalid or insufficient, he may, with the previous approval of the Standing Committee, by an order in writing, prohibit the further use of such building or room as a dwelling:

Provided that, before such approval is given, the owner or occupier aforesaid shall have the right of appearing before the Standing Committee in person or by agent and of showing cause why such approval should not be given.

(*2*) When any such prohibition as aforesaid has been made, the Commissioner shall cause notice of such prohibition to be affixed to, and the letters " U. H. H. " to be painted on the door or some conspicuous part of, such building or room, as the case may be, and no owner or occupier of such building or room shall use or suffer the same to be used for human habitation until the Commissioner certifies in writing that the building or room, as the case may be, has been rendered fit for human habitation.

(*3*) The Commissioner shall in each such case give written instructions to the owner or occupier as to what modifications or alterations are required to be made for rendering such building or room fit for human habitation.

(*4*) The Commissioner may cause any person who uses any building or room in contravention of sub-section (*2*) to be removed from such building or room by any police officer.

(*5*) Where the Commissioner has prohibited the further use of a building or room, as the case may be, as a dwelling the owner of such building shall, so far as may be necessary to prevent nuisance, keep the building or room clean and wholesome.

(*6*) The provisions of sub-sections (*6*) and (*7*) of section 268 shall apply on the issue by the Commissioner of a certificate that the building or room, as the case may be, has been rendered fit for habitation as if such certificate were the withdrawal of a notice issued under sub-section (*1*) of the said section.

Power to require repair of insanitary buildings.

**299.** (*1*) If it shall appear to the Commissioner that any building intended for or used as a dwelling is in any respect unfit for human habitation and does not conform with the regulations the Commissioner may, by written notice, require the owner of the building, within such reasonable time, not being less than twenty-one days, as may be specified in the notice, to execute such works or carry out such alterations as would render the building fit for human habitation.

(*2*) In addition to serving a notice under this section on the owner of the building the Commissioner may serve a copy of the notice on any other person having an interest in the building or in the land on which such building has been erected, whether as mortgagee, lessee, or otherwise.

Power to order demolition of insanitary buildings.

**300.** (*1*) If it shall appear to the Commissioner that any building intended for or used as a dwelling is unfit for human habitation and is not capable at a reasonable expense of being rendered so fit, he shall serve upon the occupier of the building and the owner thereof, and, so far as it is reasonably practicable to ascertain such persons, upon any person having interest in such building notice of the time (being some time not less than twenty-one days after the service of the notice) and place

at which the condition of the building and any offer with respect to the carrying out of works, or the future use of the building, which he may wish to submit, will be considered by the Standing Committee, and every person upon whom such a notice is served shall be entitled to be heard either in person or by agent when the matter is so taken into consideration.

(*2*) A person upon whom notice is served under sub-section (*1*) shall, if he intends to submit an offer with respect to the carrying out of works, within twenty-one days from the date of the service of the notice upon him, serve upon the Commissioner notice in writing of his intention to make such an offer and shall, within such reasonable period as the Commissioner may allow, submit to him a list of the works which he offers to carry out.

(*3*) The Commissioner may, with the previous approval of the Standing Committee, accept from any owner or any other person interested an undertaking in writing either that he will within a specified period carry out such works as will in the opinion of the Commissioner render the building fit for human habitation, or that it shall not be used for human habitation until the Commissioner, on being satisfied that it has been rendered fit for that purpose and with the previous approval of the Standing Committee, cancels the undertaking.

(*4*) If no such undertaking as is mentioned in sub-section (*3*) is accepted by the Commissioner, or if, in a case where the Commissioner has accepted such an undertaking, any work to which the undertaking relates is not carried out within the specified period, or the building is at any time used in contravention of the terms of the undertaking, the Commissioner may, with the previous approval of the Standing Committee, make a demolition order requiring that the building shall be vacated within a period to be specified in the order, not being less than twenty-eight days from the date on which the order becomes operative, and that it shall be demolished within six weeks after the expiration of that period, or if the building is not vacated before the expiration of that period, within six weeks after the date on which it is vacated, or in either case within such longer period as in the circumstances the Commissioner deems it reasonable to specify, and shall serve a copy of the order upon every person upon whom the Commissioner would be required by sub-section (*1*) to serve a notice issued by him under that sub-section.

(*5*) In determining for the purpose of this section whether a building can be rendered fit for human habitation at a reasonable expense, regard shall be had to the estimated cost of the works necessary to render it so fit and the value which it is estimated that the building will have when the works are completed.

**...cedure where demolition order made**

**301.** (*1*) When a demolition order under section 300 has become operative, the owner of the building to which it applies shall demolish the building within the time limited in that behalf by the order ; and, if the building is not demolished within that time, the Commissioner shall take measures to demolish the building and sell the materials thereof.

(*2*) Any expenses incurred by the Commissioner under sub-section (*1*), after giving credit for the amount realised by sale of the materials, shall be payable by the owner of the building, and any surplus in the hands of the Commissioner after payment of such expenses shall be paid by the Commissioner to the owner of the building, or if there are more than one owner, shall be paid in such proportion as the Commissioner may decide.

(*3*) Any person aggrieved by the decision of the Commissioner under sub-section (*2*) may, within a period of one month, appeal to the Judge.

Building rendered fit not to be deemed unfit for ten years if not conforming to regulations made subsequently.

**302.** Where in pursuance of a notice under sub-section (*1*) of section 299 any building has been rendered fit for human habitation by the execution of works and alterations to the satisfaction of the Commissioner, such building during a period of ten years from the date of completion of such works and alterations shall not be deemed to be unfit for human habitation by reason only of not conforming with any regulation made subsequently to such date affecting the structure of such building.

Power to order demolition of obstructive building.

**303.** (*1*) The Commissioner may serve upon the owner of a building which appears to him to be an obstructive building notice of the time (being some time not less than twenty-one days after the service of the notice) and place at which the question of ordering the building or any part thereof to be demolished will be considered by the Standing Committee, and the owner shall be entitled to be heard either in person or by agent when the matter is so taken into consideration.

(*2*) If, after so taking the matter into consideration, the Standing Committee resolves that the building is an obstructive building and that the building or any part thereof ought to be demolished, the Commissioner may make a demolition order requiring that the building or that part thereof shall be demolished, and that the building, or such part thereof as is required to be vacated for the purposes of the demolition, shall be vacated within two months from the date on which the order becomes operative, and if he does so, shall serve a copy of the order upon the owner of the building.

(*3*) In this section the expression " obstructive building " means a building which, although not in itself unfit for human habitation, is so situate that by reason of its proximity to or contact with any other buildings it—

(*a*) stops or impedes ventilation or otherwise makes or conduces to make such other buildings to be in a condition unfit for human habitation or dangerous or injurious to health ; or

(*b*) prevents proper measures from being carried into effect for remedying any nuisance injurious to health or other evils complained of in respect of such other buildings.

Effect of order for demolition of obstructive building.

**304.** (*1*) If, before the expiration of the period within which a building or part thereof in respect of which an order is made under section 303 is thereby required to be vacated, any owner or any person known to have an interest in such building or the site of the building makes to the Commissioner an offer for the sale of the building site or any interest therein to the Corporation at a price equal to the compensation to be assessed as provided in sub-section (*6*), the Commissioner shall, upon obtaining the requisite sanction under section 77 accept the offer and shall, as soon as possible after obtaining possession, carry out the demolition.

(*2*) Upon payment of the price mentioned in sub-section (*1*) the said building and the site thereof to the extent of the interest acquired shall vest in the Corporation.

(*3*) If no such offer as is mentioned in sub-section (*1*) is made before the expiration of the said period, the owner of the building shall carry out the demolition provided for by the order before the expiration of six weeks from the last day of that period, or, if the building, or such part thereof as is required to be vacated, is not vacated until after that day, before the expiration of six weeks from the day on which it is vacated, or, in either case, before the expiration of such longer period as in the circumstances the Commissioner deems reasonable, and if the demolition is not so carried out the Commissioner shall take measures to carry out the demolition and sell the materials rendered available thereby.

(*4*) When any obstructive building or any part thereof is demolished either by the owner or by the Commissioner as provided for in sub-section (*3*), the Commissioner may at once take possession on behalf of the Corporation of the land occupied by and appurtenant to the said building or part thereof, and shall pay compensation as provided in sub-section (*6*).

(*5*) The provisions of sub-sections (*2*) and (*3*) of section 301 shall apply in relation to any expenses incurred by the Commissioner under sub-section (*3*) and to any surplus remaining in the hands of the Commissioner as they apply in relation to any expenses or surplus in a case where a building is demolished in pursuance of a demolition order made under section 300.

(*6*) The compensation payable by the Commissioner for the building and the site thereof upon any sale effected under sub-section (*1*) and the compensation payable by the Commissioner under sub-section (*4*), shall be the market value of the land and the building demolished, at the date of the demolition order made under sub-section (*2*) of section 303.

**Compensation for acquiring obstructive building recoverable in certain cases as improvement expenses.**

**305.** (*1*) When a demolition order in respect of an obstructive building or any part thereof has been made under section 303, the Commissioner may specify and declare to the Standing Committee the other buildings for the benefit of which the obstructive building or part thereof is intended to be demolished and shall serve a notice to that effect upon the owner of each of such other buildings.

(*2*) If in the opinion of the Commissioner the demolition of the obstructive building or part thereof adds to the value of the premises for the benefit of which the obstructive building has been demolished, the Commissioner shall determine the amount of increase in value, and shall with the approval of the Standing Committee apportion so much of the compensation to be made for the acquisition of the whole or part of the obstructive building including the site thereof as may be equal to the increase in value of the said premises amongst them.

(*3*) For the purpose of sub-section (*2*) the Commissioner shall have the like powers as are conferred on him by or under this Act for the purpose of determining the rateable value of a building or land and every person required to make or deliver a statement under this sub-section shall be deemed to be legally bound to do so within the meaning of sections 175 and 176 of the Indian Penal Code. XLV of 1860.

(*4*) The Commissioner may declare the sum apportioned to each of the premises in respect of its increase in value to be improvement expenses incurred for the benefit of such premises and the same shall thereupon be a charge upon such premises and shall be recoverable in the same manner as expenses declared to be improvement expenses under section 442.

(*5*) An appeal shall lie within a period of one month to the Judge against an order of the Commissioner under sub-section (*4*).

**Appeal against demolition orders.**

**306.** Any person aggrieved by a demolition order made under section 300 or section 303 may, within twenty-one days after the date of the service of a copy of the order, appeal to the Judge, and no proceedings shall be taken by the Commissioner to enforce any order in relation to which an appeal is brought before the appeal is finally determined :

Provided that no appeal shall lie at the instance of a person who is in occupation of the premises to which the order relates under a lease or agreement of which the unexpired term does not exceed three years.

Overcrowded dwellings.

**307.** (*1*) Where it appears to the Commissioner, whether from any certificate furnished under the rules or otherwise, that any building or any room therein used for human habitation is overcrowded, he may apply to [1][the District Magistrate] to prevent such overcrowding, and the said Magistrate, after such inquiry as he thinks fit to make, may prescribe the maximum number of persons to be accommodated in each room and may, by written order, require the owner of the building, within a reasonable time not exceeding ten days to be prescribed in the said order, to abate the overcrowding thereof, by reducing the number of lodgers, tenants, or other inmates of the said building or room or rooms, in accordance with the maximum so prescribed and to the satisfaction of the Commissioner or may pass such other order as he may deem just and proper.

*Explanation.*—The landlord of the lodgers, tenants or other actual inmates of a building shall, for the purposes of this sub-section, be deemed to be the owner of the said building.

(*2*) Notwithstanding any provision to the contrary in any other law or in any contract, every tenant, lodger or other inmate of the said building or room shall vacate on being required by the owner so to do in pursuance of any order under sub-section (*1*).

(*3*) The [2][State] Government may from time to time after consulting the Corporation direct by order in the *Official Gazette* what shall constitute overcrowding for the purposes of this section, and may in such order specify the minimum space to be allowed for each person according to age in premises used exclusively as a dwelling and in premises used as a dwelling as well as for some other purpose.

Insanitary huts and sheds.

**308.** If the Commissioner is of opinion that any hut or shed used either as a dwelling or as a stable or for any other purpose, is likely, by reason of its being built without a plinth or upon a plinth of insufficient height or without proper means of drainage or ventilation, or on account of the impracticability of scavenging or owing to the manner in which it and other huts or sheds are crowded together, to cause risk of disease to the inmates thereof or to the inhabitants of the neighbourhood, or is for any reason likely to endanger the public health or safety, he may by written notice, which shall be affixed to some conspicuous part of such hut or shed, require the owner or occupier thereof, or the owner of the land on which such hut or shed stands, to remove or alter such hut or shed or to take such order for the improvement thereof as the Commissioner shall deem necessary.

*Disposal of carcasses of animals.*

Removal of carcasses of dead animals.

**309.** (*1*) It shall be the duty of the Commissioner to provide for the removal of the carcasses of all animals dying within the City.

(*2*) The occupier of any premises in or upon which any animal shall die or in or upon which the carcass of any animal shall be found, and the person having the charge of any animal which dies in the street or in any open place, shall, within three hours after the death of such animal or, if the death occurs at night, within three hours after sunrise, report the death of such animal at the nearest office of the municipal health department.

(*3*) For every carcass removed by municipal agency, a fee for the removal of such amount as shall be fixed by the Commissioner shall be paid by the owner of the animal or, if the owner is not known, by the occupier of the premises in or upon which, or by the person in whose charge, the said animal died.

[1] These words were substituted for the words "a Magistrate of the First Class" by Bom. 8 of 1954, s. 2, Schedule-Part III.

[2] This word was substituted for the word "Provincial" by Adaptation of Laws Order, 1950.

*Regulation of Public Bathing, Washing, etc.*

Places for public bathing, etc., to be fixed by Commissioner, and regulation of use of such places.

**310.** (*1*) The Commissioner may from time to time—

(*a*) set apart portions of a river or other suitable places vesting in the Corporation for use by the public for bathing or for washing animals, or for washing or for drying clothes;

(*b*) specify the times at which and the sex of persons by whom, such places may be used;

(*c*) prohibit, by public notice, the use by the public for any of the said purposes of any place not so set apart;

(*d*) prohibit by public notice the use by the public of any portion of a river or place not vesting in the Corporation for any of the said purposes;

(*e*) regulate by public notice the use by the public of any portion of a river or other place vesting in the Corporation and set apart by him for any of the said purposes; and

(*f*) regulate by public notice the use by the public of any portion of a river or other place not vesting in the Corporation for any of the said purposes, and of any work, and of the water in any work, assigned and set apart under this Act for any particular purpose.

(*2*) The Commissioner may charge such fees as the Standing Committee may fix for the use of any place set apart under clause (*a*) of sub-section (*1*) by any specified class or classes of persons or by the public generally.

Prohibition of bathing, etc., contrary to order.

**311.** Except as permitted by any order made under any provision of this Act, no person shall—

(*a*) bathe in or near any lake, tank, reservoir, fountain, cistern, duct, standpipe, stream or well or on any part of a river or other place vesting in the Corporation;

(*b*) wash or caused to be washed in or near any such place or work, any animal, clothes or other article;

(*c*) throw, put or cause to enter into the water in any such place or work, any animal or other thing;

(*d*) cause or suffer to drain into or upon any such place or work, or to be brought thereinto or thereupon, anything, or do anything, whereby the water shall be in any degree fouled or corrupted;

(*e*) dry clothes in or upon any such place; and

no person shall—

(*f*) in contravention of any prohibition made by the Commissioner under section 310 use any portion of a river or any place not vesting in the Corporation for any purpose mentioned in the said section;

(*g*) contravene the provisions of any notice given by the Commissioner under section 310 for the use of any such portion of a river or place for any such purpose.

Prohibition of corruption of water by steeping therein animal or other matter, etc.

**312.** No person shall—

(*a*) steep in any tank, reservoir, stream, well or ditch, any animal, vegetable or mineral matter likely to render the water thereof offensive or dangerous to health.

(*b*) whilst suffering from any contagious, infectious or loathsome disease, bathe on, in or near any bathing-platform, lake, tank, reservoir, fountain, cistern, duct, standpipe, stream or well.

*Regulation of Factories, Trades, etc.*

Factory, etc. not to be newly established without permission of Commissioner.

**313.** No person shall—

(*i*) newly establish in any premises,

(*ii*) remove from one place to another,

(*iii*) re-open or renew after discontinuance for a period of not less than three years, or

(*iv*) enlarge or extend the area or dimensions of,

any factory, workshop or workplace in which it is intended to employ steam, water, electrical or other mechanical power or any bakery except with the previous written permission of the Commissioner nor shall any person work or allow to be worked any such factory, workshop, workplace or bakery without such permission:

Provided that for the purpose of clause (*iii*) no such permission shall be required if during the period of discontinuance the machinery has not been removed from the place where the factory, workshop or bakery was originally established.

Prohibition of corruption of water by chemicals, etc.

**314.** No person engaged in any trade or manufacture specified in section 376 or the rules shall,—

(*a*) wilfully cause or suffer to be brought or to flow into any lake, tank, reservoir, cistern, well, duct or other place for water belonging to the Corporation or into any drain or pipe communicating therewith, any washing or other substance produced in the course of any such trade or manufacture as aforesaid;

(*b*) wilfully do any act connected with any such trade or manufacture as aforesaid, whereby the water in any such lake, tank, reservoir, cistern, well, duct or other place for water is fouled or corrupted.

*Prevention and checking spread of dangerous diseases.*

Power of Commissioner, Medical Officer of Health, etc. in case of dangerous diseases.

**315.** In the event of any person being found to have been attacked with a dangerous disease or any person being found suffering with such disease in any place or vehicle it shall be lawful for the Commissioner or the Medical Officer of Health or any other municipal officer to take such measures as are prescribed by rules.

Any place may at any time be inspected for purpose of preventing spread of dangerous disease.

**316.** The Commisioner may at any time, by day or by night, without notice or after giving such notice of his intention as shall, in the circumstances, appear to him to be reasonable, inspect any place in which any dangerous disease is reputed or suspected to exist, and take such measures as he shall think fit to prevent the spread of the said disease beyond such place.

Destruction of huts and sheds when necessary

**317.** If the Commissioner is of opinion that the destruction of any hut or shed is necessary to prevent the spread of any dangerous disease, he may, after giving to the owner or occupier of such hut or shed such previous notice of his intention as may in the circumstances of the case appear to him reasonable, take measures for having such hut or shed and all the materials thereof destroyed.

Closure of lodging and eating houses.

**318.** The Commissioner may on being satisfied that it is in the public interest so to do, by written order direct that any lodging house or any place where articles of food and drink are sold or prepared, stored or exposed for sale, being a lodging house or place in which a case of a dangerous disease exists or has recently occurred, shall be closed for such period as may be specified in the order:

Provided that such lodging house or place may be declared to be open if the Medical Officer of Health certifies that it has been disinfected or is free from infection.

*Special Sanitary Measures.*

Commissioner may take special measures on outbreak of any dangerous disease.

**319.** (*1*) In the event of the City being at any time visited or threatened with an outbreak of any dangerous disease, or in the event of any infectious disease breaking out or being likely to be introduced into the City amongst cattle including under this expression sheep and goats, the Commissioner, if he thinks the ordinary provisions of this Act and the rules or of any other law at the time in force are insufficient for the purpose, may, with the sanction of the Provincial Government—

(*a*) take such special measures, and

(*b*) by public notice prescribe such temporary orders to be observed by the public or by any person or class of persons,

as are specified in the rules and as he shall deem necessary to prevent the outbreak of such disease or the spread thereof.

(*2*) The Commissioner shall forthwith report to the Corporation any measures taken and any orders made by him under sub-section (*1*).

*Disposal of the Dead.*

Places for disposal of the dead to be registered.

**320.** (*1*) Every owner or person having the control of any place already used for burying, burning or otherwise disposing of the dead, shall apply to the Commissioner within a period of six months from the appointed day to register the same and the Commissioner shall cause the same to be registered.

(*2*) Such application shall be accompanied by a plan, bearing the signature of a licensed surveyor in token of its having been prepared by or under the supervision of such surveyor, of the place to be registered, showing the locality, boundaries and extent of the same. The application shall also contain information as regards the name of the owner or person or community interested therein, the system of management and such further particulars as the Commissioner may require.

(*3*) The Commissioner may, on receipt of such application and plan, register the said place in a register which shall be kept for this purpose.

(*4*) The Commissioner shall cause to be deposited in the municipal office at the time of registration the plan referred to in sub-section (*2*).

(*5*) If the Commissioner is not satisfied with the plan or statement or particulars, he may refuse or postpone registration, until his objections have been removed.

(*6*) Every place vesting in the Corporation used for burying, burning or otherwise disposing of the dead shall be registered in the register kept under sub-section (*3*), and a plan showing the locality, extent and boundaries thereof and bearing the signature of the City Engineer shall be deposited in the municipal office.

Provision of new places for disposal of the dead.

**321.** (*1*) If the existing places for the disposal of the dead shall at any time appear to be insufficient, or if any place is closed under the provisions of section 323, the Commissioner shall, with the sanction of the Corporation, provide other fit and convenient places for the said purpose, either within or without the City, and shall cause the same to be registered in the register kept under section 320, and shall deposit in the municipal office, at the time of registration of each place so provided, a plan thereof showing the locality, extent and boundaries of the same and bearing the signature of the City Engineer.

(*2*) All the provisions of this Act and the rules and by-laws shall apply to any place provided under sub-section (*1*) without the City and vesting in the Corporation as if such place were situate within the City.

New places for disposal of the dead not to be opened without permission of Commissioner.

**322.** No place which has never previously been lawfully use as a place for the disposal of the dead and registered as such shall be opened by any person for the said purpose without the written permission of the Commissioner who, with the approval of the Corporation, may grant or withhold such permission.

Provincial Government may direct closing of any place for disposal of dead.

**323.** (*1*) If, from information furnished by competent persons and after personal inspection, the Commissioner shall at any time be of opinion—

(*a*) that any place of public worship is or is likely to become injurious to health by reason of the state of the vaults or graves within the walls of or underneath the same, or in any church-yard or burial-ground adjacent thereto, or

(*b*) that any other place used for the disposal of the dead is in such a state as to be or to be likely to become injurious to health or is otherwise no longer suitable for such use, he may submit his said opinion, with the reasons therefor, to the Corporation, which shall forward the same, with its opinion, for the consideration of the Provincial Government.

(*2*) Upon receipt of such opinion, the Provincial Government, after such further inquiry, if any, as it shall deem fit to cause to be made, may, by notification published in the *Official Gazette* and in the local newspapers, direct that such place of public worship or other place for the disposal of the dead be no longer used for the disposal of the dead. Every order so made shall be noted in the register kept under section 320.

(*3*) On the expiration of two months from the date of any such order of the Provincial Government, the place to which the same relates shall be closed for the disposal of the dead.

(*4*) A copy of the said notification, with a translation thereof in such language or languages as the Corporation may from time to time specify, shall be affixed on a conspicuous spot on or near the place to which the same relates, unless such place be a place of public worship.

Provincial Government may sanction re-opening of places which have been closed for disposal of dead.

**324.** (*1*) If, after personal inspection, the Commissioner shall at any time be of opinion that any place formerly used for the disposal of the dead, which has been closed under the provisions of section 323 or under any other law or authority, has by lapse of time become no longer injurious to health, and may without inconvenience or risk of danger be again used for the said purpose, he may submit his said opinion, with the reasons therefor, to the Corporation, which shall forward the same with its opinion for the consideration of the Provincial Government.

(*2*) Upon receipt of such opinion, the Provincial Government after such further inquiry, if any, as it shall deem fit to cause to be made, may, by notification published as provided in section 323, direct that such place be reopened for the disposal of the dead. Every order so made shall be noted in the register kept under section 320.

Burials within places of worship and exhumations not to be made without permission of Commissioner.

**325.** (*1*) No person shall, without the written permission of the Commissioner under sub-section (*2*)—

(*a*) make any vault or grave or interment within any wall, or underneath any passage, porch, portico, plinth or verandah of any place of worship;

(*b*) make any interment or otherwise dispose of any corpse in any place which is closed for the disposal of the dead under section 323;

(*c*) build, dig, or cause to be built or dug any grave, or vault, or in any way dispose of, or suffer or permit to be disposed of, any corpse at any place which is not registered in the register kept under section 320;

(*d*) exhume any body, except under the provisions of section 176 of the Code of Criminal Procedure, 1898, or of any other law for the time being in force, from any place for the disposal of the dead. V of 1898.

(*2*) The Commissioner may in special cases grant permission for any of the purposes aforesaid, subject to such general or special orders as the Provincial Government may from time to time make in this behalf.

Acts prohibited in connection with disposal of dead.

**326.** No person shall—

(*a*) retain a corpse on any premises, without burning, burying or otherwise lawfully disposing of the same, for so long a time after death as to create a nuisance;

(*b*) carry a corpse or part of a corpse along any street without having and keeping the same decently covered or without taking such precautions to prevent risk of infection or injury to the public health as the Commissioner may, by public notice, from time to time think fit to require;

(*c*) except when no other route is available, carry a corpse or part of a corpse along any street along which the carrying of corpses is prohibited by a public notice issued by the Commissioner in this behalf;

(*d*) remove a corpse or part of a corpse, which has been kept or used for purposes of dissection, otherwise than in a closed receptacle or vehicle;

(*e*) whilst conveying a corpse or part of a corpse, place or leave the same on or near any street without urgent necessity;

(*f*) bury or cause to be buried any corpse or part of a corpse in a grave or vault or otherwise in such manner as that the surface of the coffin, or, when no coffin is used, of the corpse or part of a corpse shall be at a less depth than six feet from the surface of the ground;

(*g*) build or dig, or cause to be built or dug, any grave or vault in any burial ground at a less distance than two feet from the margin of any other grave or vault;

(*h*) build or dig, or cause to be built or dug, a grave or vault in any burial ground in any line not marked out for this purpose by or under the order of the Commissioner;

(*i*) without the written permission of the Commissioner, re-open for the interment of a corpse or of any part of a corpse, a grave or vault already occupied;

(*j*) after bringing or causing to be brought to a burning-ground any corpse or part of a corpse, fail to burn or cause the same to be burnt within six hours from the time of the arrival thereof at such ground;

(*k*) when burning or causing to be burnt any corpse, or part of a corpse, permit the same or any portion thereof to remain without being completely reduced to ashes or permit any cloth or other article used for the conveyance or burning of such corpse or part of a corpse to be removed or to remain on or near the place of burning without its being completely reduced to ashes.

## CHAPTER XIX.

### MARKETS AND SLAUGHTER HOUSES.

*Maintenance and Regulation of Markets and Slaughter-houses.*

What to be deemed municipal markets and slaughter-houses.

**327.** All markets and slaughter-houses which belong to or are maintained by the Corporation shall be called "municipal markets" or "municipal slaughter-houses". All other markets and slaughter-houses shall be deemed to be private.

Provision of new municipal markets and slaughter-houses.

**328.** (*1*) The Commissioner, when authorised by the Corporation in this behalf, may construct, purchase, take on lease or otherwise acquire any building or land for the purpose of establishing a municipal market or a municipal slaughter-house or stock-yard or of extending or improving any existing municipal market or slaughter-house, and may from time to time build and maintain such municipal markets, slaughter-houses and stock-yards and such stalls, shops, sheds, pens and other buildings or conveniences for the use of the persons carrying on trade or business in, or frequenting, such municipal markets, slaughter-houses or stock-yards, and provide and maintain in such municipal markets such buildings, places, machines, weights, scales and measures for weighing and measuring goods sold therein as he shall think fit.

(*2*) Municipal slaughter-houses and stock-yards may be situated within or, with the sanction of the Provincial Government, without the City.

Municipal markets, slaughter-houses and stock-yards may be closed.

**329.** The Commissioner may, with the sanction of the Corporation, at any time, close any municipal market or slaughter-house or stock-yard or any portion thereof, and the premises occupied for any market or slaughter-house or stock-yard or any portion thereof so closed may be disposed of as the property of the Corporation.

Prohibition of sale of commodities sold in municipal markets.

**330.** (*1*) It shall be lawful for the Commissioner, with the previous sanction of the Corporation, by public notice from time to time to prohibit within a distance of fifty yards of any municipal market the sale or exposure for sale of the commodities or of any of the commodities specified in the notice ordinarily sold in the said municipal market.

(*2*) Any notice issued under sub-section (*1*) may with like sanction at any time be cancelled or modified by the Commissioner.

Opening of private markets and of private slaughter-houses.

**331.** (*1*) The Corporation shall from time to time determine whether the establishment of new private markets or the establishment or maintenance of private slaughter-houses shall be permitted in the City or in any specified portion of the City.

(*2*) No person shall establish a private market for the sale of, or for the purpose of exposing for sale, animals intended for human food, or any article of human food or live-stock or articles of food for live—stock or shall establish or maintain a private slaughter-house except with the sanction of the Commissioner who shall be guided in giving such sanction by the decisions of the Corporation at the time in force under sub-section (*1*).

(*3*) When the establishment of a private market or a slaughter-house has been so sanctioned, the Commissioner shall cause a notice of such sanction to be affixed in such language or languages as the Corporation may from time to time specify on some conspicuous spot on or near the building or place where such market is to be held.

*Explanation.*—For the purpose of sub-section (*2*) the owner or occupier of a place in which a private market or slaughter-house is established shall be deemed to have established such market.

Levy of stallages, rents and fees in municipal markets, slaughter-houses and stock-yards.

**332.** The Commissioner may—

(*a*) charge for the occupation or use of any stall, shop, standing, shed or pen or other building in a municipal market, slaughter-house or stock-yard and for the right to expose goods for sale in a municipal market, and for weighing and measuring goods sold in any such market and for the right to slaughter animals in any municipal slaughter-house, such stallages, rents and fees as shall from time to time be fixed by him, with the approval of the Standing Committee, in this behalf;

(*b*) with the approval of the Standing Committee, farm the stallages, rents and fees leviable as aforesaid or any portion thereof, for any period not exceeding one year at a time; or

(*c*) put up to public auction, or, with the approval of the Standing Committee, dispose of, by private sale, the privilege of occupying or using any stall, shop, standing, shed or pen or other building in a municipal market, slaughter-house or stock-yard for such term and on such conditions as he shall think fit.

Removal of live cattle, sheep, goats or swine from any municipal slaughter-house, stock-yard, market or premises.

**333.** (*1*) No person shall, without the written permission of the Commissioner and without the payment of such fees as may be prescribed by him, remove any live cattle, sheep, goats or swine from any municipal slaughter-house or stock-yard or from any municipal market or premises used or intended to be used for or in connection with such slaughter-house or stock-yard:

Provided that such permission shall not be required for the removal of any animal which has not been sold within such slaughter-house, stock-yard, market or premises and which has not been within such slaughter-house, stock-yard, market or premises for a period longer than that prescribed under orders made by the Commissioner in this behalf, or which has in accordance with any by-law, been rejected as unfit for slaughter at such slaughter-house, market or premises.

(*2*) Any fee paid for permission under sub-section (*1*) in respect of any animal removed to a Panjrapole shall, subject to the orders made by the Commissioner in this behalf, be refunded on the production of a certificate from the Panjrapole authorities that such animal has been received in their charge.

Power to expel persons contravening rules, by-laws or standing orders.

**334.** (*1*) The Commissioner may expel from any municipal market, slaughter house or stock-yard any person, who or whose servant has been convicted of contravening any rule, by-law or standing order in force in such market, slaughter-house or stock-yard and may prevent such person, by himself or his servants, from further carrying on any trade or business in such market, slaughter-house or stock-yard or occupying any stall, shop, standing, shed, pen or other place therein, and may determine any lease or tenure which such person may have in any such stall, shop, standing, shed, pen or place.

(*2*) If the owner of any private market or slaughter-house licensed under this Act or the lessee of such market or slaughter-house or any stall therein or any agent or servant of such owner or lessee has been convicted for contravention of any rule, by-law or standing order, the Commissioner may require such owner, lessee, agent or servant to remove himself from any such market or slaughter-house within such

time as may be mentioned in the requisition and if he fails to comply with such requisition, he may in addition to any penalty which may be imposed on him under this Act, be summarily removed from such premises.

(*3*) If it appears to the Commissioner that in any such case the owner or lessee is acting in collusion with a servant or agent convicted as aforesaid who fails to comply with a requisition under sub-section (*2*) the Commissioner may, if he thinks fit, cancel the licence of such owner or lessee in respect of such premises..

Prohibition of import of cattle, etc., into City without permission.

**335.** (*1*) No person shall without the written permission of the Commissioner bring into the City any cattle, sheep, goats or swine intended for human consumption, or the flesh of any such animal which has been slaughtered at any slaughter-house or place not maintained or licensed under this Act.

(*2*) Any police officer may arrest without warrant any person bringing into the city any animal or flesh in contravention of sub-section (*1*).

(*3*) Any animal brought into the City in contravention of this section may be seized by the Commissioner or by any municipal officer or servant or by any police officer or in or upon railway premises by any railway servant and any animal or flesh so seized may be sold or otherwise disposed of as the Commissioner shall direct and the proceeds, if any, shall belong to the Corporation.

(*4*) Nothing in this section shall be deemed to apply to cured or preserved meat.

*Inspection of Places of Sales, etc.*

Commissioner may enter any place where slaughter of animals or sale of flesh contrary to the provisions of this Act is suspected.

**336.** (*1*) If the Commissioner shall have reason to believe that any animal intended for human consumption has been or is being or is likely to be slaughtered, or that the flesh of any such animal is being sold or exposed for sale, in any place or manner not duly authorised under the provisions of this Act, the Commissioner may at any time, by day or by night, without notice, enter such place for the purpose of satisfying himself as to whether any provision of this Act or of any by-law is being contravened thereat and may seize any such animal or the carcass of such animal or such flesh found therein.

(*2*) The Commissioner may remove and sell by auction or otherwise dispose of any animal or the carcass of any animal or any flesh seized under sub-section (*1*).

(*3*) If within one month of such seizure the owner of the animal, carcass or flesh fails to appear and prove his claim to the satisfaction of the Commissioner or if such owner is convicted of an offence under this Act in respect of such animal or carcass or flesh the proceeds of any sale under sub-section (*1*) shall vest in the Corporation.

(*4*) No claim shall lie against any person for compensation for any damage necessarily caused by any entry made under sub-section (*1*) or by the use of any force necessary for effecting such entry.

Commissioner to provide for inspection of articles exposed for sale for human food.

**337.** It shall be the duty of the Commissioner to make provision for the constant and vigilant inspection of animals, carcasses, meat, poultry, game, flesh, fish, fruit, vegetables, corn, bread, flour, dairy produce and any other article exposed or hawked about for sale or deposited in or brought to any place for the purpose of sale or of preparation for sale and intended for human food or for medicine, the proof that the same was not exposed or hawked about or deposited or brought for any such purpose or was not intended for human food or for medicine resting with the party charged.

Unwholesome articles, etc., to be seized.

**338.** (*1*) The Commissioner may at all reasonable times inspect and examine any such animal or article as aforesaid and any utensil or vessel used for preparing, manufacturing or containing the same.

(*2*) If any such animal or article appears to the Commissioner to be diseased or unsound or unwholesome or unfit for human consumption, as the case may be, or is not what it is represented to be, or if any such utensil or vessel is of such kind or in such state as to render any article prepared, manufactured or contained therein unwholesome or unfit for human consumption, he may seize and carry away such animal, article, utensil or vessel, in order that the same may be dealt with as hereinafter provided and he may arrest and take to the nearest police station any person in charge of any such animal or article.

Disposal of perishable articles seized under section 338.

**339.** If any meat, fish, vegetable or other article of a perishable nature be seized under section 338 and the same is, in the opinion of the Commissioner, diseased, unsound, unwholesome or unfit for human comsumption, as the case may be, the Commissioner shall cause the same to be forthwith destroyed in such manner as to prevent its being again exposed for sale or used for human consumption and the expenses thereof shall be paid by the person in whose possession such article was at the time of its seizure.

Saving of Bombay Animal Preservation Act, 1948.

**340.** Nothing in this Chapter shall be deemed to affect in any manner the operation of the provisions of the Bombay Animal Preservation Act, 1948. Bom. LXXXI of 1948.

## CHAPTER XX.

### The Transport Undertaking.

*The Operation of the Undertaking and the Construction and Maintenance of Works.*

Provisions of this Chapter when applicable.

**341.** The provisions of this Chapter shall apply in the event of the Corporation acquiring or establishing a Transport Undertaking.

Management of Undertaking by Transport Manager.

**342.** (*1*) Subject to the superintendence of the Transport Committee and of the Corporation, the Transport Manager shall manage the Transport Undertaking and perform all acts necessary for the economical and efficient maintenance, operation administration and development of the Undertaking.

(*2*) Without prejudice to the generality of the foregoing provision, the Transport Manager may, with the sanction of the Transport Committee and subject to the restrictions or conditions imposed by this Act, either within or without the City—

(*a*) construct or acquire transport undertakings, including mechanically propelled transport facilities for the conveyance of the public, subject to the provisions of the Motor Vehicles Act, 1939, or of any other enactment for the time being in force and the conditions of any license, permit or sanction in favour of the Corporation granted thereunder; IV of 1939.

(*b*) construct buildings and works of every description necessary or desirable for the operation or development of the Transport Undertaking;

(*c*) purchase or take on lease or hire or otherwise acquire any moveable or immovable property or rights;

(*d*) exercise any of the powers of a licensee holding a stage permit under the Motor Vehicles Act, 1939, which the Corporation is for the time being authorised to exercise and any other powers exercisable by the Corporation under the said Act in relation to the provision of mechanically propelled transport facilities for the conveyance of the public.

IV of 1939.

*Fares and Charges.*

Levy of fares and charges for transport services.

**343.** (*1*) Fares and charges shall be leviable for the conveyance of passengers or for the carriage of goods by any means of transport provided by the Transport Undertaking at such rates as may from time to time be fixed, subject to the provisions of any enactment for the time being in force and any license granted to the Corporation thereunder, by the Transport Committee with the approval of the Corporation.

(*2*) If any person travelling or having travelled in any vehicle of the Transport Undertaking avoids or attempts to avoid payment of his fare, or any person having paid his fare for a certain distance knowingly and wilfully proceeds in any such vehicle beyond such distance and does not pay the additional fare for the additional distance, or attempts to avoid payment thereof, or any person knowingly and wilfully refuses, or neglects, on arriving at the point up to which he has paid his fare, to quit such vehicle, he shall be punished, for each such offence, with fine which may extend to ten rupees.

(*3*) It shall be lawful for every municipal servant appointed under the provisions of this Chapter and all persons called in by him for his assistance, to arrest and take to the nearest police station any person who shall be discovered either in or after committing or attempting to commit an offence under sub-section (*2*) and whose name and address is not known and is refused by him, and the police officer in charge of the said police station shall adopt such legal measures as may be necessary to cause the said person to be taken before a Magistrate with the least possible delay.

*Acquisition and Disposal of Property.*

Acquisition of immovable property.

**344.** (*1*) Whenever it is necessary or expedient for the purposes of the Transport Undertaking that the Transport Manager shall acquire any immovable property, such property may be acquired by the Transport Manager on behalf of the Corporation by agreement on such terms and at such rates or prices or at rates or prices not exceeding such maxima as shall be approved by the Transport Committee either generally for any class of cases or specially in any particular case.

(*2*) Whenever the Transport Manager is unable to acquire any immovable property under sub-section (*1*) by agreement, the Provincial Government may, in its discretion, upon the application of the Transport Manager made with the approval of the Transport Committee and, subject to the other provisions of this Act, order proceedings to be taken for acquiring the same on behalf of the Corporation as if such property were land needed for a public purpose within the meaning of the Land Acquisition Act, 1894.

I of 1894.

(*3*) The amount of compensation awarded and all other charges incurred in the acquisition of any such property shall, subject to the other provisions of this Act, be forthwith paid by the Transport Manager and thereupon the said property shall vest in the Corporation for the purposes of the Transport Undertaking.

Provisions governing disposal of municipal property.

**345.** With respect to the disposal of property vesting in the Corporation exclusively for the purposes of the Transport Undertaking the following provisions shall have effect, namely:—

(*a*) the Transport Manager may dispose of by sale, hire or otherwise, any moveable property belonging to the Corporation not exceeding in value, in each

instance, two thousand rupees or such higher amount as the Corporation may from time to time with the approval of the Provincial Government determine ;

(*b*) the Transport Manager may grant a lease of any immovable property belonging to the Corporation for any period not exceeding twelve months at a time :

Provided that every lease granted by the Transport Manager (other than a contract for a monthly tenancy) the annual rent whereof at a rack rent exceeds three thousand rupees shall be reported by him, within fifteen days after the same has been granted, to the Transport Committee ;

(*c*) with the sanction of the Transport Committee, the Transport Manager may dispose of, by sale or otherwise, any moveable property belonging to the Corporation of which the value does not exceed ten thousand rupees, and may grant a lease of any immovable property belonging to the Corporation for any period exceeding one year, or sell or grant a lease in perpetuity of any immovable property belonging to the Corporation the value whereof does not exceed fifty thousand rupees or the annual rental whereof does not exceed three thousand rupees ;

(*d*) with the sanction of the Corporation, the Transport Manager may lease, sell or otherwise convey any property, moveable or immovable, belonging to the Corporation.

*Officers and Servants.*

Statement of permanent officers and servants to be prepared by Transport Manager and sanctioned by Transport Committee.

**346.** (*1*) The Transport Manager shall, from time to time, prepare and bring before the Transport Committee a statement setting forth the designations and grades of the officers and servants, who should, in his opinion, be permanently maintained for the purpose of the Transport Undertaking, and the amount and nature of the salaries, fees and allowances which he proposes should be paid to each.

(*2*) The Transport Committee shall sanction such statement either as it stands or subject to such modifications as it deems expedient :

Provided that—

(*a*) no new permanent office of which the minimum monthly salary exclusive of allowances exceeds two hundred rupees shall be created without the sanction of the Corporation and no new office with a minimum monthly salary, exclusive of allowances, of five hundred rupees or more or with a maximum monthly salary exclusive of allowances of eight hundred rupees or more shall be created without the sanction of the Provincial Government ;

(*b*) the Corporation may by resolution direct that the scales of pay of any specified classes or grades of officers or servants shall not be varied without the approval of the Corporation and, so long as such resolution is in force, the Transport Committee shall not authorise any variation in such scales without such approval.

*Explanation.*—An increase in the salary of any permanent office shall be deemed, for the purpose of sub-section (*2*), to be the creation of a new office if, by reason of such increase, the minimum monthly salary, exclusive of allowances, exceeds two hundred rupees or amounts to five hundred rupees or more, as the case may be, or the maximum monthly salary, exclusive of allowances amounts to eight hundred rupees or more.

Restriction on appointment of permanent officers and servants.

**347.** No permanent officer or servant shall be entertained in any department of the Transport Undertaking unless his office and emoluments are included in the statement at the time being in force prepared and sanctioned under section 346.

Creation of temporary posts.

**348.** (*1*) The Transport Manager may create temporary posts carrying a monthly salary, exclusive of allowances, not exceeding two hundred rupees for a period of not more than six months and no such posts shall be continued beyond such period without the previous sanction of the Transport Committee.

(*2*) The Transport Committee may create temporary posts carrying a monthly salary, exclusive of allowances, exceeding two hundred rupees for a period of not

more than six months. The Committee shall forthwith report to the Corporation the creation of every such post and no such post shall be continued beyond a period of six months without the previous sanction of the Corporation.

Power of appointment in whom to vest.

**349.** Subject to the provisions of sections 347 and 348, the power of appointing municipal officers and servants for the purposes of the Transport Undertaking shall vest in the Transport Manager if the minimum monthly salary, exclusive of allowances, is less than two hundred rupees and in the Transport Committee in all other cases.

Leave of absence.

**350.** (*1*) Subject to the provisions of the regulations, the Transport Manager may grant leave of absence to any officer or servant the power to appoint whom vests in him and for a period not exceeding three months to any other officer or servant appointed under the provisions of this Chapter.

(*2*) The Transport Committee may grant leave of absence for a period exceeding three months to any officer or servant appointed by the Committee.

REVENUE AND EXPENDITURE.

*The Transport Fund.*

Constitution of Transport Fund.

**351.** Except as provided in section 91 all moneys received by or on behalf of the Corporation in respect of the operations of the Transport undertaking shall be credited to a fund which shall be called "the City of ——— Transport Fund" and which shall, subject to the provisions herein contained, be held by the Corporation in trust for the purposes of the said undertaking.

Transport Manager to receive payments on account of Transport Fund and to lodge them in bank.

**352.** All moneys payable to the credit of the Transport Fund shall be received by the Transport Manager and shall be forthwith paid into the Imperial Bank of India [1][or any other scheduled bank] [2][or an approved co-operative bank] to the credit of an account which shall be styled "the account of the City of ——— Transport Fund":

Provided that the Transport Manager may, subject to any general or special directions issued by the Transport Committee, retain such balances in cash as may be necessary for the operations of the Transport Undertaking.

[3][Provided further that the amount of money to be paid into an approved co-operative bank shall not exceed such amount as may be specified by the State Government generally or specially in respect of any approved co-operative bank.]

How Transport Fund shall be drawn against.

**353.** (*1*) No payment shall be made by the bank aforesaid out of the Transport Fund except on a cheque signed by two persons in the manner specified below, namely :—

(*a*) by the Commissioner or by the Transport Manager or in the absence of both by a municipal officer whose name appears in a list of officers authorised to sign cheques approved by the Transport Committee ;

(*b*) by a municipal officer whose name appears in the said list, other than an officer who may have signed the cheque under clause (*a*).

(*2*) Payment of any sum due by the Corporation out of the Transport Fund in excess of one hundred rupees or such higher amount as the Transport Committee from from time to time fixes generally or for any specified class of payments shall be made by means of a cheque signed as aforesaid and not in any other way.

(*3*) Payments not covered by sub-section (*2*) may be made by the Transport Manager in cash, and cheques for sums not in excess of two thousand rupees each, signed as aforesaid, may be drawn from time to time to cover such payments.

[1] These words were substituted for the words and figures "or such other bank or banks as the Corporation may, with due sanction, have selected under section 83" by Bom. 10 of 1953, s. 5.
[2] These words were inserted by Bom. 19 of 1954, s. 6 (*1*).
[3] This proviso was inserted, *ibid*, s. 6 (*2*).

Deposit of portion of Trans port Fund may be made with bank or agency out of City when convenient.

**354.** Notwithstanding anything contained in sections 352 and 353, the Transport Manager may, with the previous approval of the Transport Committee, from time to time, remit to and deposit with a bank or other agency at any place beyond the City any portion of the Transport Fund, and any moneys payable to the credit of the Transport Fund or chargeable there-against, which can, in the opinion of the Transport Manager, be most conveniently paid into or out of the account of the Fund at any such bank or agency may be so paid.

Only sums covered by budget grant to be expended from Transport Fund.

**355.** (*1*) Except as hereinafter provided, no payment of any sum shall be made by the Transport Manager out of the Transport Fund, unless the expenditure of the same is covered by a current budget-grant, and sufficient balance of such budget-grant is still available, notwithstanding any reduction or transfer thereof which may have been made under the rules.

(*2*) The following items shall be excepted from the prohibition in sub-section (*1*) namely :—

(*a*) sums of which the expenditure has been sanctioned by the Transport Committee under section 102 :

(*b*) repayments of moneys belonging to contractors or other persons held in deposit and of moneys collected or credited to the Transport Fund by mistake ;

(*c*) sums which the Transport Manager is under the provisions of this Act or any other enactment required or empowered to pay by way of compensation ;

(*d*) costs incurred by the Transport Manager under section 67 ;

(*e*) any sum required to make good to the Municipal fund any payment made by the Commissioner out of the Municipal Fund under the provisions of section 86 for the purpose of the Transport Undertaking.

Procedure when money not covered by budget grant is expended under clause (*c*), (*d*) or (*e*) of sub-section (*2*) of section 355.

**356.** Whenever any sum is expended by the Transport Manager under clause (*c*), (*d*) or (*e*) of sub-section (*2*) of section 355 he shall forthwith communicate the circumstances to the Transport Committee who shall take such action under the rules or recommend to the Corporation to take such action as shall, in the circumstances, appear possible and expedient for covering the amount of the additional expenditure.

Purposes for which Transport Fund is to be applied.

**357.** The moneys from time to time credited to the Transport Fund shall be applied in payment of all sums, charges and costs necessary for the purposes of acquiring, maintaining, operating and improving the Transport Undertaking and of carrying into effect the provisions of this Chapter, or of which the payment shall be duly directed or sanctioned by or under any of the provisions of this Act, inclusive of :—

(*a*) the repayment to the Municipal Fund of any amount disbursed therefrom for the purposes of the Transport Undertaking, including the cost of, or reasonable charges for, all supplies provided and services rendered for any such purposes by the Commissioner at the charge of the Municipal Fund ;

(*b*) the payment to the Municipal Fund of a sum of money equivalent to the sum which would have been payable under this Act on account of municipal taxes in respect of lands and buildings and other properties, moveable and immovable, of the Transport Undertaking if the said lands, buildirgs and other properties had not vested in the Corporation ;

(*c*) the payment of fees to the Chairman and members of the Transport Committee, and the salary and allowances of the Transport Manager ;

(*d*) the payment of salaries and allowances of all municipal officers and servants appointed under the provisions of this Chapter and all contributions to provident

funds, pensions, gratuities and compassionate allowances payable under the provisions of this Chapter or of the regulations or of any statement framed under this Act for the time being in force ;

(*e*) the payment of all expenses and costs incurred by the Transport Manager in the exercise of any power or the discharge of any duty conferred or imposed upon him for the purposes of, or in connection with the Transport Undertaking under the provisions of this Act or of any other enactment, including moneys which he is required or empowered to pay by way of compensation ;

(*f*) the payment of every sum payable under a decree or order of a civil or criminal court passed against the Corporation or against the Commissioner or the Transport Manager *ex-officio* in any proceeding arising out of the acquisition, maintenance or operation of the Transport Undertaking, or under a compromise effected under section 481, of any suit or other legal proceeding or claim arising out of such acquisition, maintenance or operation ;

(*g*) every sum required by the provisions of section 359 or 360 to be transferred to the Municipal Fund ;

(*h*) every sum chargeable under section 108.

Investment of surplus moneys.

**358.** (*1*) Surplus moneys at the credit of the Transport Fund which cannot immediately or at an early date be applied to the purposes of this Act or of any loan raised for the purposes of the Transport Undertaking may be, from time to time, deposited at interest in the Imperial Bank of India [1][or any other scheduled bank] [2][or an approved co-operative bank] [3][or be invested in public securities].

[4][Provided that the amount of money to be deposited in an [5][approved co-operative bank] shall not exceed such amount as may be specified by the State Government generally or specially in respect of any approved co-operative bank.]

(*2*) All such deposits and investments shall be made by the Transport Manager on behalf of the Corporation, with the sanction of the Transport Committee, and with the like sanction, the Transport Manager may at any time withdraw any deposit so made or dispose of any securities and re-deposit or re-invest the money so withdrawn, or the proceeds of the disposal of such securities.

(*3*) The loss, if any, arising from any such deposit or investment shall be debited to the Transport Fund.

*Payments out of Surplus Balance.*

Fixed annual payment to Municipal Fund.

**359.** (*1*) Out of the balance of income over expenditure remaining at credit of the Revenue Account of the Transport Fund at the close of each official year, after defraying or making allowance for all charges, costs and expenses payable out of the revenue of the said Fund and allowing for the retention of the cash balance specified in, or for the time being fixed under section 98 to the credit of the said Fund, there shall be transferred to the credit of the Municipal Fund the amount provided in sub-section (*2*) :

Provided that if the balance at credit of the said Revenue Account, after allowing for the matters aforesaid, is less than the amount provided in sub-section (*2*), the whole of such balance shall be transferred to the Municipal Fund

[1] These words were substituted for the words and figures " or such other bank as the Corporation may with due sanction have selected under section 83 " by Bom. 10 of 1953, s. 6.
[2] These words were inserted by Bom. 19 of 1954, s. 7(*1*).
[3] These words were added by Bom. 57 of 1953, s. 2.
[4] This proviso was added by Bom. 19 of 1954, s. 7(*2*).
[5] These words were substituted for the words " approved bank " by Bom. 58 of 1954, s. 2, Schedule.

and any deficit shall be made good to the Municipal Fund out of the Revenue Reserve Fund maintained under section 360 and if the deficit still remains, it shall be made good to the Municipal Fund out of the balance available at credit of the Revenue Account of the next or any subsequent year after allowing for all the matters aforesaid and for the amount provided in sub-section (*2*) in respect of that year.

(*2*) The amount to be transferred to the Municipal Fund under sub-section (*1*) shall be in respect of each official year such sum as the Corporation, before the beginning of that year, may determine.

(*3*) The sum to be transferred under sub-section (*1*) shall be paid into any bank with which the Municipal Fund is deposited to the credit of the said Fund by means of a cheque drawn upon the Transport Fund not later than the thirtieth day of June immediately following the close of the year in which the balance out of which the transfer is due to be made accrues.

Disposal of surplus balance of revenue.

**360.** (*1*) If after making allowance for the matter mentioned in section 359 there remains any further surplus balance of income over expenditure at credit of the Revenue Account of the Transport Fund, such surplus shall be disposed of as follows :—

(*a*) 30 per cent. of the surplus shall be credited under a separate heading in the accounts maintained under section 361 to a special fund to be called the 'Revenue Reserve Fund', unless the balance in the said Revenue Reserve Fund, with such credit, would exceed such sum as the Corporation shall with the sanction of the [1][State] Government fix, in which case only such sum, if any, as is required to bring the balance to the sum so fixed shall be so credited and the remainder of the surplus, up to 30 per cent. thereof, shall be added in equal shares to the amounts credited or transferred under clauses (*b*), (*c*) and (*d*);

(*b*) 30 per cent. of the surplus and such additional amount as may be available under clause (*a*) shall be credited under a separate heading in the accounts maintained under section 361 to a special fund called "the Transport Betterment Fund";

(*c*) 25 per cent. of the surplus and such additional amount as may be available under clause (*a*) shall be transferred to the Municipal Fund for credit to the Welfare Fund constituted under the rules; and

(*d*) 15 per cent. of the surplus and such additional amount as may be available under clause (*a*) shall be transferred to the Municipal Fund.

(*2*) The Revenue Reserve Fund shall be applied to the following purposes :—

(*i*) in making good or in reduction of any deficit in the amount to be transferred in any year to the Municipal Fund under section 359; and

(*ii*) in meeting any charges to be defrayed out of the Transport Fund to the extent to which the balance available in the Fund is insufficient for the purpose.

[1] This word was substituted for the word "Provincial" by the Adaptation of Laws Order, 1950.

(*3*) The Transport Betterment Fund shall be applied to improvements in the services, amenities and facilities provided for the public by the Transport Undertaking.

(*4*) The amounts to be transferred to the Municipal Fund under clauses (*c*) and (*d*) of sub-section (*1*) shall be paid into any bank with which the Municipal Fund is deposited to the credit of the said Fund by means of cheques drawn upon the Transport Fund not later than the thirtieth day of June immediately following the close of the official year in which the transfers are due to be made.

*Accounts.*

Accounts of the Transport Undertaking.

**361.** Accounts of the receipts and expenditure of the Corporation on account of the Transport Undertaking and of the properties vested or vesting in the Corporation for the purposes of the said Undertaking shall be kept in such manner and in such forms as the Transport Committee shall from time to time prescribe.

Preparation of annual administration report and statement of accounts.

**362.** (*1*) The Transport Manager shall, as soon as may be after each first day of April, have prepared a detailed report of the administration of the Transport Undertaking during the previous official year, together with a statement showing the amount of the receipts and disbursements respectively credited and debited to the Transport Fund during the said year and the balance at the credit of the Fund at the close of the said year as also an account of the balances due on loans and shall submit the same to the Transport Committee.

(2) After an examination and review of the report and statement by the Transport Committee, a copy of the report together with a copy of the Committee's review shall be forwarded to the usual or last known address of each councillor and copies thereof shall be delivered to any person requiring the same on payment of such reasonable fee for each copy as the Transport Manager, with the previous approval of the Transport Committee, shall determine.

## CHAPTER XXI.

### VITAL STATISTICS.

*Registration of Births and Deaths.*

Appointment of Registrars.

**363.** (1) The Medical Officer of Health shall be the Registrar General of the City for the purpose of registering births and deaths.

(2) The Commissioner may, in consultation with the Registrar General—

(a) divide the City into such and so many divisions as he may from time to time think fit;

(b) nominate for each such division a municipal officer to be the registrar of births and deaths; and

(c) appoint for each registrar a suitable station as his office within the division for which he is appointed.

Register books to be maintained.

**364.** (1) Such particulars as the Commissioner may from time to time specify regarding births and deaths shall be entered in separate register books of births and register books of deaths which shall be maintained by the Registrar General or, if the City has been divided into divisions, by the Registrar of each division.

(2) The Commissioner shall specify the forms of the registers required to be maintained under sub-section (1) and the manner in which such registers shall be maintained.

Registrars to inform themselves of all births and deaths.

**365.** (1) It shall be the duty of the Registrar General or, if the City is divided into divisions under section 363, of the Registrar of each division to inform himself carefully of every birth and death which shall happen in the City or in his division, as the case may be, and of the particulars concerning the same required to be registered under section 364, and shall, as soon after each such birth or death as conveniently may be, register the same in the book maintained for the purpose without making any charge or demanding or receiving any fee or reward for so doing other than his remuneration as a municipal officer.

(2) Other municipal officers, besides the Registrar General and the Registrars, may be appointed, with the duty of informing themselves of every birth or of every death or of every birth and every death in the division to which they are respectively appointed and of the particulars concerning the same required to be registered, and of submitting such information to the Registrar General or the Registrar of the said division, as the case may be, or to such other person as the Commissioner directs.

Information of birth to be given within seven days.

**366.** It shall be the duty of the father and mother of every child born in the City and, in default of the father and mother, of the occupier of the premises in which to his knowledge the child is born, and of each person present at the birth and of the

person having charge of the child, to give, to the best of his knowledge and belief, to the Registrar General or, if the City has been divided into divisions, to the Registrar of the division or to a municipal officer appointed under section 365 within seven days after such birth information of the particulars required to be registered concerning such birth :

Provided that—

(*a*) in the case of an illegitimate child, no person shall, as father of such child, be required to give information under this Act concerning the birth of such child, and the Registrar General or Registrar, as the case may be, shall not enter in the register the name of any person as father of such child, unless at the joint request of the mother and of the person acknowledging himself to be the father of such child, and such person shall in such case sign the register together with the mother ;

(*b*) a person required to give information only in default of some other person shall not be bound to give such information if he believed and had reasonable grounds for believing that such information had been given ;

(*c*) when a child is born in any hospital, the officer in charge thereof shall be bound to forward forthwith to the Registrar General or Registrar, as the case may be, a report of such birth in such form as the Registrar General may from time to time specify.

**Information respecting finding of new-born child to be given.**

**367.** In case any new-born child is found exposed, it shall be the duty of any person finding such child and of any person in whose charge such child may be placed to give, to the best of his knowledge and belief, to the Registrar General or Registrar or other municipal officer aforesaid, within seven days after the finding of such child, such information of the particulars required to be registered concerning the birth of such child as the informant possesses.

**Information of death to be given.**

**368.** (*1*) It shall be the duty of the nearest relative of any person dying in the City present at the death, or in attendance during the last illness, of the deceased and, in default of such relative, of each person present at the death, and of the occupier of the premises in which, to his knowledge, the death took place, and, in default of the persons hereinbefore in this section mentioned, of each inmate of such premises to give to the best of his knowledge and belief to the Registrar General or, if the City has been divided into divisions under section 363, to the Registrar of the division in which the death took place or to an officer appointed under section 365 information of the particulars required to be registered concerning such death within twenty four hours of its occurrence :

Provided that if the cause of death is known to be a dangerous disease the information aforesaid shall be given within twelve hours of its occurrence.

**Medical practitioner who attended a deceased person to certify cause of his death.**

**369.** In the case of a person who has been attended in his last illness by a duly qualified medical practitioner, that practitioner shall within three days of his becoming cognisant of the death of such person sign and forward to the Registrar General a certificate of the cause of such person's death, in such form as shall from time to time be prescribed by the Commissioner in this behalf, and the cause of death as stated in such certificate shall be entered in the register, together with the name of the certifying medical practitioner.

**Correction of errors in registers of births or deaths.**

**370.** (*1*) Any clerical error which may at any time be discovered in a register of births or in a register of deaths may be corrected by any person authorised in that behalf by the Commissioner.

(*2*) An error of fact or substance in any such register may be corrected by any person authorised as aforesaid by entry in the margin, without any alteration of the original entry, upon production to the Commissioner, by the person requiring

such error to be corrected, of a declaration on oath setting forth the nature of the error and the true facts of the case, made before a Magistrate by two persons required by this Act to give information concerning the birth or death with reference to which the error has been made or, in default of such persons, by two credible persons having knowledge of the case, and certified by such Magistrate to have been made in his presence.

(*3*) Except as aforesaid no alteration shall be made in any such register.

Registration of name of child or of alteration of name.

**371.** (*1*) When the birth of any child has been registered and the name, if any, by which it was registered, is altered or, if it was registered without a name, when a name is given to it, the parent or guardian of such child or other person procuring such name to be altered or given may, within twelve months next after the registration of the birth, deliver to the Registrar General or, if the City is divided into divisions under section 363, to the Registrar of the division in which the birth was registered, such certificate as hereinafter mentioned, and the Registrar General or Registrar upon the receipt of that certificate shall, without any erasure of the original entry, forthwith enter in the register-book the name mentioned in the certificate as having been given to the child.

(*2*) The certificate shall be in such form as the Commissioner may from time to time prescribe, and, in the case of a Christian, shall be signed by the minister or person who performed the rite of baptism upon which the name was given or altered, or, if the child is not baptised or is not a Christian, shall be signed by the father, mother or guardian of the child or other person procuring the name of the child to be given or altered.

(*3*) Every minister or person who performs the rite of baptism shall deliver the certificate required by this section on demand, on payment of a fee not exceeding one rupee.

## CHAPTER XXII.

### LICENCES AND PERMITS.

### I. *Licensing of Surveyors, Architects or Engineers, Structural Designers, Clerks of Works and Plumbers.*

Grant of licenses to Architects or Engineers, Structural Designers, Plumbers and Clerks of Works.

**372.** (*1*) The Commissioner may grant to any person he thinks fit a renewable licence for a period of one year to act as (*i*) Surveyor, (*ii*) an Architect or Engineer, (*iii*) Structural Designer, (*iv*) Clerk of Works, or (*v*) a Plumber for the purposes of this Act.

(*2*) No licence shall be granted under sub-section (*1*) unless the person has the qualifications or experience, or both, as may be prescribed by by-laws.

(*3*) No application for a licence shall be refused if the applicant has the qualifications and experience prescribed by by-laws except upon the ground that the applicant is unfit, through incompetency, misconduct or other grave reason, to hold such licence.

(*4*) If the Commissioner refuses any application for a licence under sub-section (*3*), he shall, at the request of the applicant, furnish such applicant with his reasons for such refusal in writing under his signature without charge.

Orders may be prescribed for guidance of Surveyors, etc.

**373.** (*1*) The Commissioner may with the approval of the Standing Committee from time to time issue orders for the guidance of Licensed Surveyors, Architects or Engineers, Structural Designers, Clerks of Works and Plumbers respectively.

(*2*) Copies of all orders so prescribed for the time being in force shall be kept on sale at the municipal head office at such price as the Commissioner may fix and a copy thereof shall be kept available for inspection at all reasonable times at such office.

Fees and charges of licensed plumbers to be prescribed by Standing Committee.

**374.** The Standing Committee may from time to time prescribe the fees or charges to be paid to licensed plumbers for any work done by them under or for any purpose of this Act, and no licensed plumber shall demand or receive more than the fee or charge so prescribed for any such work.

Licensed plumber to be bound to execute work properly.

**375.** No licensed plumber shall execute any work under this Act carelessly or negligently or make use of any bad material, appliance or fitting for the purpose of such work.

II. *Trade licences and other licences for keeping animals and certain articles.*

Certain things not to be kept, and certain trades and operations not to be carried on, without licence.

**376.** (*1*) Except under and in conformity with the terms and conditions of a licence granted by the Commissioner, no person shall—

(*a*) keep in or upon any premises any article specified in the rules—

(*i*) in any quantity or in excess of the quantity specified in the rules as the maximum quantity of such article which may at one time be kept in or upon the same premises without a licence, and

(*ii*) for any purpose whatever or for sale or for other than domestic use as may be specified in the case of each article in the rules ;

(*b*) keep in or upon any building intended for or used as a dwelling or within fifteen feet of such building cotton, in pressed bales or boras or loose, in quantity exceeding four hundred-weight ;

(*c*) keep, or allow to be kept, in or upon any premises, horses, cattle or other fourfooted animals—

(*i*) for sale,

(*ii*) for letting out on hire,

(*iii*) for any purpose for which any charge is made or any remuneration is received, or

(*iv*) for sale of any produce thereof ;

(*d*) carry on, or allow to be carried on, in or upon any premises—

(*i*) any of the trades or operations connected with any trade specified in the rules ;

(*ii*) any trade or operation which in the opinion of the Commissioner is dangerous to life or health or property, or likely to create a nuisance either from its nature, or by reason of the manner in which, or the conditions under which, the same is, or is proposed to be, carried on ;

(*e*) carry on within the City, or use any premises for, the trade or operation of a farrier.

(*2*) A person shall be deemed to have known that a trade or operation is, in the opinion of the Commissioner, dangerous or likely to create a nuisance within the meaning of paragraph (*ii*) of clause (*d*) of sub-section (*1*), after written notice to that effect, signed by the Commissioner, has been served on such person or affixed to the premises to which it relates.

(*3*) A person shall be deemed to carry on or to allow to be carried on a trade or operation within the meaning of clause (*d*) of sub-section (*1*) if he does any act in furtherance of such trade or is in any way engaged or concerned therein whether as principal, agent, clerk, master, servant, workman, handicraftsman or otherwise.

(*4*) When any premises are used in the manner described in clause (*c*) or (*d*) of sub-section (*1*) it shall be presumed, until the contrary is proved, that the owner or occupier of such premises, or both the owner and occupier have permitted such use.

(*5*) It shall be in the discretion of the Commissioner—

(*a*) to grant any licence referred to in sub-section (*1*) subject to such restrictions or conditions (if any) as he shall think fit to prescribe, or

(*b*) to withhold any such licence.

(*6*) Every person to whom a licence is granted by the Commissioner under sub-section (*3*) shall keep such licence in or upon the premises, if any, to which it relates.

(*7*) The Commissioner may at any time by day or night enter or inspect any premises for the use of which a licence has been granted under this section.

(*8*) Nothing in this section shall be deemed to apply to mills for spinning or weaving cotton, jute, wool or silk, or to any other large mill or factory which the Commissioner may from time to time with the approval of the Standing Committee specially exempt from the operation thereof.

Power to stop use of premises where such use is dangerous or causes nuisance.

[1][**376A.** Wherever the Commissioner is of opinion that the use of any premises for any of the purposes specified in sub-section (*1*) of section 376 is dangerous to life, health or property or is causing a nuisance either from its nature or by reason of the manner in which or the conditions under which the use is made and such danger or nuisance should be immediately stopped, the Commissioner may, notwithstanding anything contained in section 376, require the owner or occupier of the premises to stop such danger or nuisance within such time specified in such requisition as the Commissioner considers reasonable, and in the event of the failure of the owner or occupier to comply with such requisition, the Commissioner may himself or by an officer subordinate to him cause such use to be stopped.]

III. *Licences for sale in municipal markets.*

Prohibition of sale in municipal markets without licence of Commissioner.

**377.** (*1*) No person shall, without a licence from the Commissioner, sell or expose for sale any animal or article in any municipal market.

(*2*) Any person contravening this section may be summarily removed by the Commissioner or by any municipal officer or servant.

IV. *Licences for private markets.*

Private markets not to be kept open without licence.

**378.** (*1*) No person shall without, or otherwise than in conformity with the terms of, a licence granted by the Commissioner in this behalf—

(*a*) keep open, or permit to be kept open, a private market ;

(*b*) use or permit to be used any place in the City as a slaughter-house or for the slaughtering of any animal intended for human food ;

(*c*) use or permit to be used any place without the City, whether as a slaughter-house or otherwise, for the slaughtering of any animal intended for human food to be consumed in the City :

Provided that—

(*i*) the Commissioner shall not refuse a licence for keeping open a private market lawfully established at the appointed day if application for such licence is made within two months thereof except on the ground that the place where the market is held fails to comply with any requirement of this Act or of the rules, by-laws or standing orders ;

[1]Section 376A was inserted by Bom. 34 of 1955, s. 2.

(*ii*) the Commissioner shall not cancel or suspend or refuse to renew any licence for keeping open a private market for any cause other than the failure of the owner thereof to comply with some provision of this Act, or with some standing order or with some by-law ;

(*iii*) the Commissioner may cancel or suspend any licence for failure of the owner of a private market to give in accordance with the conditions of his licence a written receipt for any stallage, rent, fee, or other payment received by him or his agent from any person for the occupation or use of any stall, shop standing, shed, pen or other place therein ;

(*iv*) nothing in this section shall be deemed to prevent the Commissioner from granting written permission for the slaughter of an animal in any place that he thinks fit, on the occasion of any festival or ceremony or under special circumstances.

(*2*) When the Commissioner has refused, cancelled or suspended any licence to keep open a private market, he shall cause a notice of his having so done to be affixed in such language or languages as the Corporation may from time to time specify on some conspicuous spot on or near the building or place where such market has been held.

Prohibition of sale in unauthorized private markets.

**379.** No person who knows that any private market has been established without the sanction of the Commissioner, or is kept open after a licence for keeping the same open has been refused, cancelled or suspended by the Commissioner, shall sell or expose for sale therein any animal or articles of human food, or any live-stock or food for live-stock.

Slaughter of animals for skins.

**380.** No person shall slaughter any cattle, horses, sheep, goats or pigs for removing the skin thereof or cut up the carcass of any such animal at any place outside a municipal slaughter-house or a licensed slaughter-house otherwise than in conformity with the written permission of the Commissioner.

V. *Licences for sale of Articles of Food outside of Markets.*

Prohibition of sale of animals, etc., except in market.

**381.** No person shall, without a licence from the Commissioner, sell or expose for sale—

(*a*) any four-footed animal or any meat or fish intended for human food, in any place other than a municipal or private market ;

(*b*) ices and ærated waters, kulfi, sugar-cane juice, cut or peeled fruit and vegetables, any confectionery or sweetmeats whatsoever or such other cooked food or other articles intended for human consumption as may from time to time by public notice be specified by the Commissioner, in any place other than a municipal or private market or licensed eating house or sweetmeat shop.

VI. *Licensing of Butchers, etc.*

Butchers and persons who sell flesh of animals to be licensed.

**382.** No person shall without, or otherwise than in conformity with the terms a licence granted by the Commissioner in this behalf—

(*a*) carry on within the City, or at any municipal slaughter-house, the trade of a butcher ;

(*b*) use any place in the City for the sale of the flesh of any animal intended for human consumption or any place without the City for the sale of such flesh for consumption in the City.

VII. *Licences for dairy products.*

Licence required for dealing in dairy produce.

**383.** No person shall without, or otherwise than in conformity with the terms of, a licence granted by the Commissioner in this behalf—

(*a*) carry on within the City the trade or business of a dairyman,

(*b*) use any place in the City as a dairy or for the sale of any dairy produce.

VIII. *Licences for hawking, etc.*

Licences for sale in public places.

**384.** Except under and in conformity with the terms and provisions of a licence granted by the Commissioner in this behalf, no person shall use any public place or any public street for the purpose of hawking or exposing for sale, any article whatsoever, whether it be for human consumption or not.

Licences for use of skill in handicraft or rendering services for purposes of gain in public place or street.

**385.** Except under and in conformity with the terms and provisions of a licence granted by the Commissioner in this behalf, no person shall, for purposes of gain, use any public place or public street for the purpose of using his skill in any handicraft or in rendering services to and for the convenience of the public.

IX. *General provisions regarding licences and permits.*

General provisions regarding grant, suspension or revocation of licences and written permissions and levy of fees, etc.

**386.** (*1*) Whenever it is provided by or under this Act that a licence or a written permission may be given for any purpose, such licence or written permission shall specify the period for which, and the restrictions and conditions subject to which, the same is granted and the date by which an application for the renewal of the same shall be made and shall be given under the signature of the Commissioner or of a municipal officer empowered under section 69 to grant the same.

(*2*) Except as may otherwise be provided by or under this Act, for every such licence or written permission a fee may be charged at such rate as shall from time to time be fixed by the Commissioner, with the sanction of the Corporation.

(*3*) Subject to the provisions of the proviso to sub-section (*1*) of section 378, any licence or written permission granted under this Act may at any time be suspended or revoked by the Commissioner, if he is satisfied that it has been secured by the holder through misrepresentation or fraud or if any of its restrictions or conditions is infringed or evaded by the person to whom the same has been granted, or if the said person is convicted of an infringement of any of the provisions of this Act or of any rule, by-law or standing order in any matter to which such licence or permission relates.

(*4*) When any such licence or written permission is suspended or revoked, or when the period for which the same was granted has expired, the person to whom the same was granted shall, for all purposes of this Act, be deemed to be without a licence or written permission, until the Commissioner's order for suspending or revoking the licence or written permission is cancelled by him or until the licence or written permission is renewed, as the case may be:

Provided that, when an application has been made for the renewal of a licence or permission by the date specified therein, the applicant shall be entitled to act as if it has been renewed, pending the receipt of orders.

(*5*) Every person to whom any such licence or written permission has been granted shall, at all reasonable times, while such written permission or licence remains in force, if so required by the Commissioner, produce such licence or written permission.

(*6*) Every application for a licence or permission shall be addressed to the Commissioner.

(*7*) The acceptance by or on behalf of the Commissioner of the fee for a licence or permission shall not in itself entitle the person paying the fee to the licence or permission.

## CHAPTER XXIII.

### POWER OF ENTRY AND INSPECTION.

Power of entry and inspection.

**387.** (*1*) The Commissioner may enter into or upon any premises, with or without assistants or workmen, which he is empowered by or under the provisions of this Act or the rules to enter or inspect or in order to make any inspection, survey, measurement, valuation or inquiry or to execute any work which is authorised by or under this Act or which it is necessary for any of the purposes, or in pursuance of any of the provisions, of this Act or of any rules, by-laws, regulations or standing orders thereunder to make or execute.

(*2*) Without prejudice to the generality of the provisions of sub-section (*1*), the Commissioner or any municipal officer or servant authorised by him in this behalf shall have power to enter and inspect any place or article in the following cases, namely :—

(*a*) any stable, garage, coach house or any place where any vehicle, boat or animal liable to tax is kept—under section 145 ;

(*b*) any land whereon any municipal drain has been or is proposed to be constructed—under section 155 ;

(*c*) any land belonging to any person for the purpose of emptying his own drain into a municipal drain—under sections 159, 161, 167 and 168 ;

(*d*) any land whereon shafts or pipes for ventilating drains are required to be fixed—under section 175 ;

(*e*) drains, ventilators, shafts, pipes, cess-pools, latrines, urinals, bathing and washing places—under section 181 ;

(*f*) any land which provides access to any municipal water work—under section 191 ;

(*g*) any premises which are suspected to have been used for any trade or keeping any article in contravention of section 376 ;

(*h*) any premises for the use of which a licence is required and has been granted under the provisions of this Act ;

(*i*) any building during its erection or any work during its execution ;

(*j*) any premises which are provided by the Corporation for the residence of municipal officers and servants.

Time of making entry.

**388.** (*1*) No such entry shall be made within sunset and sunrise :

Provided that in any case in which it has been expressly provided by or under this Act such entry may be made by day or night.

(*2*) Except as otherwise expressly provided by or under this Act, no building used as a human dwelling shall be entered unless with the consent of the occupier thereof without giving him at least six hours' notice in writing of the intended entry and, except when it is deemed inexpedient to mention the purpose thereof, of such purpose.

(*3*) When such premises may otherwise be entered without notice, sufficient notice shall be given in every instance to enable the inmates of any apartment appropriated to females to remove themselves.

(*4*) Due regard shall always be had, so far as may be compatible with the exigencies of the purpose for which the entry is made, to the social and religious usages of the occupants of the premises entered.

(5) No claim shall lie against any person for compensation for any damage necessarily caused by an entry under sub-section (7) of section 376 or by the use of any force necessary for effecting such entry.

## CHAPTER XXIV.

### COMPENSATION.

Doing minimum damage in certain cases.

**389.** (1) In the exercise of the powers under the following provisions of this Act by the Commissioner or any other municipal officer or servant or any other person authorised by or under this Act to execute any work, as little damage as can be shall be done and compensation assessed in the manner prescribed by or under this Act shall be paid to any person who sustains damage in consequence of the exercise of such powers, namely:—

(a) carrying any municipal drain through, across or under any street or any place laid out as or intended for a street or across any cellar or vault under any street—under sub-section (1) of section 155;

(b) entering upon and constructing any new drain or repairing or altering any municipal drain already constructed—under sub-section (2) of section 155;

(c) affixing of pipes or shafts for the purpose of ventilation of any drain or cesspool to any building or tree—under sub-section (1) of section 175;

(d) opening of any ground, any portion of a drain, any portion of a building or any work exterior to a building—under section 182;

(e) entering upon, and passing through any land in the vicinity of a water work or conveying or causing to be conveyed men, materials and tools through such land—under section 191;

(f) acquiring any building or land required for a public street—under section 216;

(g) removing or altering a structure or fixture—under sub-section (4) of section 226, sub-section (3) of section 227 and section 232;

(h) the rounding or splaying of a building at the corner of two or more streets —under section 243;

(i) cutting into, laying open or pulling down any building or work—under section 261;

(j) the demolition of an obstructive building—under section 304;

(k) the destruction of an insanitary hut or shed—under section 317;

(l) the destruction of any property in exercise of the powers vested in the Commissioner for preventing a dangerous or infectious disease—under section 319;

(m) the exercise of powers or execution of any work in regard to which no express provision occurs in the Act, rules or by-laws for the payment of compensation.

(2) If in the exercise of the powers under section 191 damage is caused by an act of an officer of the Provincial Government, compensation shall be payable by the Provincial Government.

Commissioner to determine compensation.

**390.** Subject to the provisions of this Act, the Commissioner or such other officer as may be authorised by him in this behalf shall, after holding such inquiry as he thinks fit, determine the amount of compensation to be paid under section 389.

Appeal

**391.** Any person aggrieved by the decision of the Commissioner or other officer under section 390 may, within a period of one month, appeal to the Judge in accordance with the provisions of Chapter XXVI.

## CHAPTER XXV.

### PENALTIES.

Certain offences punishable with fine.

**392.** (*1*) Whoever—

(*a*) contravenes any provision of any of the sections, sub-sections or clauses mentioned in the first column of Part I of the table in Appendix II or of any regulation or order made thereunder, or

(*b*) fails to comply with any requisition lawfully made upon him under any of the said sections, sub-sections or clauses,

shall be punished, for each such offence, with fine which may extend to the amount mentioned in that behalf in the second column of the said Part.

(*2*) Whoever, after having been convicted of—

(*a*) contravening any provision of any of the sections, sub-sections or clauses mentioned in the first column of Part II of the table in Appendix II or of any regulation or order made thereunder, or

(*b*) failing to comply with any requisition lawfully made upon him under any of the said sections, sub-sections or clauses,

continues to contravene the said provision or to neglect to comply with the said requisition or fails to remove or rectify any work or thing done in contravention of the said provision, as the case may be, or fails to vacate any premises shall be punished, for each day that he continues so to offend, with fine which may extend to the amount mentioned in that behalf in the second column of the said Part.

Offences punishable under the Penal Code.

**393.** (*1*) Whoever contravenes any provision of any of the sections, sub-sections or clauses of this Act mentioned in the first column of the following table or of any regulation or order made thereunder, and whoever fails to comply with any requisition lawfully made upon him under any of the said sections, sub-sections or clauses, shall be deemed to have committed an offence punishable under the section of the Indian Penal Code respectively specified in the second column of the said table as the section of the said Code under which such person shall be punishable, namely :— XLV of 1860.

| Sections of this Act. | Sections of the Indian Penal Code under which offenders are punishable. |
|---|---|
| 194 (*2*), 311, clauses (*a*), (*b*), (*c*) and (*d*), 312. | 277 |
| 319 ... ... ... | 188 |
| 477 ... ... ... | 177 |

(*2*) Whoever being the owner or occupier of a building fails to comply with any notice in writing given by the Commissioner under any of the provisions of this Act not referred to in sub-section (*1*) calling for particulars or information in connection with the preparation of the list of voters at ward elections or the municipal election roll or who furnishes particulars or information which he knows to be false or incorrect shall be deemed to have committed an offence punishable under section 176 or section 177 of the Indian Penal Code, as the case may be. XLV of 1860.

(*3*) Any candidate who is elected councillor for more than one ward at contested ward elections and who fails to comply with a written notice lawfully given by the Commissioner requiring him to choose for which of the wards he shall serve shall be deemed to have committed an offence punishable under section 177 of the Indian Penal Code.

XLV of 1860.

(*4*) Whoever fails to comply with a lawful requisition, notice or order of the Commissioner for information or a written return relative to the determination of the rateable value of any building or to the levy or assessment of any municipal tax or whoever furnishes information or makes a return which he knows to be false, incorrect or misleading shall be deemed to have committed an offence punishable under section 176 or section 177 of the Indian Penal Code, as the case may be.

XLV of 1860.

Punishment for offences of preparing false election rolls.

**394.** Any officer or servant of the Corporation who knowingly prepares or makes an entry in the list of persons qualified to be enrolled as voters at ward elections which is incorrect or false shall, on conviction, be punished with imprisonment of either description for a term which may extend to six months or with fine which may extend to five hundred rupees or with both.

Punishment for acquiring share or interest in contract etc., with Corporation.

**395.** Any councillor or any member of the Transport Committee who is not a councillor who knowingly acquires, directly or indirectly, any share or interest in any contract or employment with, by or on behalf of the Corporation, not being a share or interest such as, under section 10, it is permissible for a councillor to have without being thereby disqualified for being a councillor, and any Commissioner, Transport Manager, municipal officer or servant who knowingly acquires, directly or indirectly, any share or interest in any contract or employment with, by or on behalf of the Corporation, not being a share or interest such as, under sub-clause (*ii*) or (*iv*) of sub-section (*2*) of section 10, it is permissible for a councillor to have without being thereby disqualified for being a councillor, shall be deemed to have committed the offence made punishable by section 168 of the Indian Penal Code.

XLV of 1860.

Punishment for breach of section 61 or 62.

**396.** Whoever acts or abets the commission of an act which is in contravention of the provisions of section 61 or 62 shall, on conviction, be punished with imprisonment of either description for a term which may extend to one year or with fine or with both.

Punishment for offences against section 194.

**397.** (*1*) Whoever contravenes any provision of sub-section (*1*) of section 194 shall, on conviction, be punished with imprisonment which may extend to one month or with fine which may extend to one hundred rupees or with both.

(*2*) When any person is convicted under sub-section (*1*) the Magistrate who convicts him may order the immediate removal of any building, or the immediate discontinuance of the operation or use of land, in respect of which such conviction has been held.

(*3*) If any order made under sub-section (*2*) is disobeyed or the execution thereof resisted, the offender shall, on conviction, be punished with imprisonment which may extend to one month or with fine which may extend to one hundred rupees or with both.

Penalty for evasion of octroi or toll.

**398.** Where any vehicle, animal or goods imported into the limits of the City are liable to the payment of toll or octroi any person who, with the intention of defrauding the Corporation, causes or abets the introduction of or himself introduces or attempts to introduce within the limits of the City any such vehicle, animal or goods upon which payment of the toll or octroi due on such introduction has neither been made nor tendered, shall, on conviction, be punished with fine which may extend to ten times the amount of such toll or octroi or to two hundred and fifty rupees, whichever may be greater.

General penalty.

**399.** Whoever contravenes any provision of this Act or rule, by-law, regulation, standing order, licence, permission or notice issued thereunder or fails to comply with any requisition lawfully made under any such provision shall, if no penalty is provided in any other provision of this Act for such contravention or failure, be punished, for each such offence, with fine which may extend to one hundred rupees and with further fine which may extend to twenty rupees for every day on which such contravention or failure continues after the first conviction.

Extent of penal responsibility of agents and trustees of owners.

**400.** No person who receives the rent of any premises in any capacity described in paragraph (*i*), (*ii*) or (*iii*) of sub-clause (*a*) of clause (*45*) of section 2 shall be liable to any penalty under this Act for omitting to do any act as the owner of such premises, if he shall prove that his default was caused by his not having funds of, or due to, the owner sufficient to defray the cost of doing the act required.

Offence by companies, etc.

**401.** Where a person committing an offence under this Act, or any rule, by-law, regulation or standing order is a company, or a body corporate, or an association of persons (whether incorporated or not), or a firm, every director, manager, secretary, agent or other officer or person concerned with the management thereof, and every partner of the firm shall, unless he proves that the offence was committed without his knowledge or consent, be deemed to be guilty of such offence.

Compensation payable by offenders against this Act for damage caused by them.

**402.** (*1*) If, on account of any act or omission, any person has been convicted of an offence against this Act or against any rule, regulation or by-law, and, by reason of such act or omission of the said person, damage has occurred to any property of the Corporation, compensation shall be paid by the said person for the said damage notwithstanding any punishment to which he may have been sentenced for the said offence.

(*2*) In the event of dispute, the amount of compensation payable by the said person shall be determined by the Magistrate before whom he was convicted of the said offence, and on non-payment of the amount of compensation so determined, the same shall be recovered under a warrant from the said Magistrate as if it were a fine inflicted by him on the person liable therefor.

## CHAPTER XXVI.

### Proceedings before Judge, District Judge and Magistrates.

### I. *Election Inquiries.*

Procedure in election inquiries.

**403.** (*1*) If an application is made under section 16 for a declaration that any particular candidate shall be deemed to have been elected, the applicant shall make parties to his application all the candidates who were duly nominated for the seat or seats in the ward in question, whether or not the said candidates have been declared elected, and shall proceed against the candidate or candidates declared elected.

(*2*) The applicant shall, whenever so required by the Judge, deposit in the Court a sum of five hundred rupees in cash or Government securities of equivalent value at the market rate of the day as security for any costs which the applicant may be ordered to pay to other parties to the said application.

(*3*) If, after making such inquiry as he deems necessary, the Judge finds that the election of a returned candidate has been procured or induced or the result of the

election has been materially affected by any corrupt practice, or any corrupt practice has been committed in the interests of a returned candidate or the result of the election has been materially affected by the improper acceptance or rejection of any nomination or by reason of the fact that any person nominated was not qualified or was disqualified for election, or by the improper reception or refusal of a vote, or by the reception of a vote which is void, or by any non-compliance with the provisions of this Act or any rules made thereunder relating to the election, or by any mistake in the use of any prescribed form, or the election has not been a free election by reason of the large number of cases in which bribery or undue influence has been exercised or committed, he shall declare the election of the returned candidate to be void and if he does not so find he shall confirm the election of the returned candidate.

(*4*) All applications received under section 16—

(*a*) in which the validity of the election of councillors elected to represent the same ward is in question shall be heard by the same Judge, and

(*b*) in which the validity of the election of the same councillor elected to represent the same ward is in question shall be heard together.

(*5*) When the Judge declares the election of any candidate to be void, he shall direct that the candidate, if any, in whose favour the next highest number of valid votes is recorded after the candidate whose election is declared void or after all the candidates who were returned or elected and against whose election no cause of objection is found, shall be deemed to have been elected :

Provided that, if an equality of votes is found to exist between any candidates and the addition of one vote will entitle any of the candidates to be declared elected, one additional vote shall be added to the total number of valid votes found to have been recorded in favour of such candidate selected by lot drawn in the presence of the Judge in such manner as he may determine.

(*6*) The Judge's order under this section shall be conclusive.

(*7*) Every election not called in question in accordance with the foregoing provisions shall be deemed to have been to all intents a good and valid election.

Disqualification for election as councillor for certain election offences.

**404.** (*1*) If the Judge sets aside an election of a candidate on the ground that a corrupt practice has been committed in the interest of such candidate, he shall declare such candidate to be disqualified for the purpose of any fresh election which may be held under this Act.

(*2*) If in any proceedings under section 16 the Judge finds that a corrupt practice has been committed within the meaning of that section by any person he may, if he thinks fit, declare such person to be disqualified for being elected and for being a councillor for such term of years not exceeding seven as he may fix :

Provided that no such declaration shall be made unless such person has been given a reasonable opportunity to be heard :

Provided further that the Provincial Government may by order in writing at any time relieve such person from such disqualification but, subject only to such order, the declaration by the Judge shall be conclusive.

II. *References to the Judge.*

References to the Judge.

**405.** In the following cases a reference shall be made to the Judge :—

(*1*) whether a councillor has ceased to hold office under section 12 ;

(*2*) whether a person has ceased to be a member of the Transport Committee under section 26 ;

(*3*) whether the Commissioner may be directed to remove a shaft or pipe on the application of the owner of a building or hut under section 175 ;

(*4*) regarding the amount of the price for the land required for setting forward a building under section 216 ;

(*5*) regarding the amount or payment of expenses for any work executed or any measure taken or things done under the orders of the Commissioner or any municipal officer under section 439 ;

(*6*) regarding the amount or payment of expenses or compensation and the apportionment thereof falling under any of the provisions of this Act or any rule or by-law thereunder not otherwise specifically provided for.

III. *Appeals against Valuations and Taxes.*

Appeals when and to whom to lie.

**406.** (*1*) Subject to the provisions hereinafter contained, appeals against any rateable value or tax fixed or charged under this Act shall be heard and determined by the Judge.

(*2*) No such appeal shall be heard unless—

(*a*) it is brought within fifteen days after the accrual of the cause of complaint ;

(*b*) in the case of an appeal against a rateable value a complaint has previously been made to the Commissioner as provided under this Act and such complaint has been disposed of ;

(*c*) in the case of an appeal against any tax in respect of which provision exists under this Act for a complaint to be made to the Commissioner against the demand, such complaint has previously been made and disposed of ;

(*d*) in the case of an appeal against any amendment made in the assessment book for property taxes during the official year, a complaint has been made by the person aggrieved within fifteen days after he first received notice of such amendment, and his complaint has been disposed of ;

(*e*) in the case of an appeal against a tax, or in the case of an appeal made against a rateable value after a bill for any property tax assessed upon such value has been presented to the appellant, the amount claimed from the appellant has been deposited by him with the Commissioner.

Cause of complaint when to be deemed to have accrued.

**407.** For the purposes of section 406, cause of complaint shall be deemed to have accrued as follows, namely—

(*a*) in the case of an appeal against a rateable value, on the day when the complaint made to the Commissioner against such value is disposed of ;

(*b*) in the case of an appeal against any tax referred to in clause (*c*) of sub-section (*2*) of the said section on the day when the complaint against the tax is disposed of by the Commissioner ;

(*c*) in the case of an appeal against any amendment made in the assessment book for property taxes during the official year, on the day when the complaint made to the Commissioner by the person aggrieved against such amendment is disposed of ;

(*d*) in the case of an appeal against a tax not covered by clause (*b*) above on the day when payment thereof is demanded or when a bill therefor is served.

Arbitration.

**408.** Where any appeal against the rateable value or tax fixed or charged under this Act is pending and all the parties interested agree that any matter in difference between them shall be referred to arbitration, they may, at any time before a decision is given in such appeal, apply in writing to the Judge for an order of reference on such matter and on such application being made the provisions of the Arbitration Act, 1940, relating to arbitration in suits shall, so far as they can be made applicable, apply to such application and the proceedings to follow thereon, as if the said Judge were a Court within the meaning of that Act and the application were an application made in a suit.

X of 1940.

Appointment of expert valuer.

**409.** (*1*) If any party to an appeal against a rateable value makes an application to the Judge either before the hearing of the appeal or at any time during the hearing of the appeal, but before evidence as to value has been adduced, to direct a valuation of any premises in relation to which the appeal is made, the Judge may, in his discretion, appoint a competent person to make the valuation and any person so appointed shall have power to enter on, survey and value the premises in respect of which the direction is given :

Provided that, except when the application is made by the Commissioner, no such direction shall be made by the Judge unless the applicant gives such security as the Judge thinks proper for the payment of the costs of valuation under this sub-section.

(*2*) The costs incurred for valuation under sub-section (*1*) shall be costs in the appeal, but shall be payable in the first instance by the applicant.

(*3*) The Judge may, and on the application of any party to the appeal shall, call as a witness the person appointed under sub-section (*1*) for making the valuation and, when he is so called, any party to the appeal shall be entitled to cross-examine him.

Reference to District Court.

**410.** If, before or on the hearing of an appeal relating to the rateable value or tax, any question of law or usage having the force of law, or the construction of a document arises, the Judge may, and on the application of any party to the appeal shall, draw up a statement of the facts of the case and the question so arising, and refer the statement with his own opinion on the point for the decision of the District Court.

Appeals to the District Court.

**411.** An appeal shall lie to the District Court—

(*a*) from any decision of the Judge in an appeal under section 406 by which a rateable value in excess of two thousand rupees is fixed, and

(*b*) from any other decision of the said Judge in an appeal under the said section, upon a question of law or usage having the force of law or the construction of a document :

Provided that no such appeal shall be heard by the District Court unless it is filed within one month from the date of the decision of the Judge.

Costs of proceedings in appeal.

**412.** The costs of all proceedings in appeal under section 406 before the Judge including those of arbitration under section 408 and of valuation under section 409 shall be payable by such parties in such proportion as the Judge shall direct and the amount thereof shall, if necessary, be recoverable as if the same were due under a decree of a Court of Small Causes under the Provincial Small Cause Courts Act, 1887.

IX of 1887.

Unappealed values and taxes and decisions on appeal to be final.

**413.** (*1*) Every rateable value fixed under this Act against which no complaint is made as hereinbefore provided, and the amount of every sum claimed from any person under this Act on account of any tax, if no appeal therefrom is made as hereinbefore provided, and the decision of the Judge aforesaid upon any appeal against any such value or tax if no appeal is made therefrom under section 411 and if such appeal is made the decision of the District Court in such appeal shall be final.

(*2*) Effect shall be given by the Commissioner to every decision of the said Judge on any appeal against any such value or tax.

## IV. *Appeals to the Judge and the District Court.*

Appeals to the Judge.

**414.** Appeals shall lie to the Judge against the orders of the Commissioner in the following cases, namely :—

(*1*) an order declining to remove a shaft or pipe—under section 175 ;

(*2*) an order requiring a building to be set forward—under section 215 ;

(*3*) an order requiring the owner or occupier to repair, protect or enclose a place found to be dangerous—under section 247 ;

(*4*) an order directing the demolition of an insanitary building—under section 300 ;

(*5*) an order directing the demolition of an obstructive building—under section 303 :

Provided that no such appeal shall lie unless it is filed within one month from the date of the order of the Commissioner.

Appeals against demolition orders.

**415.** (*1*) On an appeal being made against a demolition order made under section 300 or 303, the Judge may make such order either confirming or quashing or varying the order as he thinks fit, and he may, if he thinks fit, accept from an appellant any such undertaking as might have been accepted by the Commissioner, and any undertaking so accepted by the Judge shall have the like effect as if it had been given to and accepted by the Commissioner under section 300 :

Provided that the Judge shall not accept from an appellant upon whom such a notice as is mentioned in sub-section (*1*) of section 300 was served an undertaking to carry out any work unless the appellant complied with the requirements of sub-section (*2*) of that section.

(*2*) An appeal shall lie to the District Court from a decision of the Judge on an appeal under this section, within one month of such decision, when the rateable value entered in the Commissioner's assessment book in accordance with the provisions of this Act, of the premises to which the demolition order appealed against wholly or partially relates, exceeds two thousand rupees.

(*3*) A decision passed by the Judge under this section, if an appeal does not lie therefrom under sub-section (*2*), or if no appeal is filed, and, if an appeal is filed, the decision of the District Court in appeal, shall be final.

(*4*) Any order against which an appeal might be brought under this section shall, if no such appeal is brought, become operative on the expiration of the period of twenty-one days mentioned in section 306, and shall be final and conclusive as

to any matters which could have been raised on such an appeal, and any such order against which an appeal is brought shall, if and so far as it is confirmed by the Judge, or the District Court, become operative as from the date of the final determination of the appeal.

(5) For the purposes of this section, the withdrawal of an appeal shall be deemed to be the final determination thereof, having the like effect as a decision confirming the order appealed against and, subject as aforesaid, an appeal shall be deemed to be finally determined on the date when the decision of the District Court is given, or in a case where no appeal is brought to the District Court, upon the expiration of the period within which such an appeal might have been brought, or in a case where no appeal lies to the District Court, on the date when the decision of the Judge is given.

Appeals against decision of the Judge regarding payment of expenses for works executed.

**416.** (1) An appeal shall lie to the District Court from a decision of the Judge regarding the amount or payment of expenses for any work executed, when the amount of the claim in respect of which the decision is given exceeds two thousand rupees:

Provided that no such appeal shall be heard by the District Court unless it is filed within one month from the date of the decision of the Judge.

(2) The decision of the Judge regarding the amount or payment of expenses for any work executed, if no appeal is filed under this section, and, if an appeal is filed, the decision of the District Court in such appeal shall be final.

(3) When an appeal is filed under sub-section (1) in respect of a decision regarding the amount or payment of expenses for any work executed, the Commissioner shall defer proceedings for the recovery of the amount determined under the said section to be due pending the decision of the District Court and, after the decision, shall proceed to recover only such amount, if any, as shall be thereby determined to be due.

Fees in appeals before District Court.

[1][**416-A.** The State Government may, from time to time, by notification in the *Official Gazette*, prescribe what fee, if any, shall be paid for an appeal to the District Court under section 411, 415 or 416:

Provided that the District Court may, whenever it thinks fit, receive an appeal by or on behalf of a poor person, without payment or on a part payment of the prescribed fees:

Provided further that whenever an appeal made to the District Court is settled by agreement of the parties before the hearing, half the amount of the fees paid up shall be repaid by the District Court to the party by whom the same may have been paid.]

### *V. Proceedings before Judge.*

Remedy of owner of building or land against occupier who prevents his complying with any provisions of this Act.

**417.** (1) If the owner of any building or land is prevented by the occupier thereof from complying with any provision of this Act or of any rule, regulation or by-law or with any requisition made under this Act or under any such rule, regulation or by-law in respect of such building or land, the owner may apply to the Judge.

(2) The Judge, on receipt of any such application, may make a written order requiring the occupier of the building or land to afford all reasonable facilities to the owner for complying with the said provision or requisition, or to vacate the premises temporarily if the said provision or requisition relates to any action under section 264, involving the safety or convenience of such occupier, and may also, if he thinks fit, direct that the cost of such application and order be paid by the occupier.

[1] This section was inserted by Bom. 45 of 1954, s. 2.

(*3*) After eight days from the date of such order, it shall be incumbent on the said occupier to afford all such reasonable facilities to the owner for the purpose aforesaid or to vacate the premises temporarily as shall be prescribed in the said order ; and in the event of his continued refusal so to do, the owner shall be discharged, during the continuance of such refusal, from any liability which he would otherwise incur by reason of his failure to comply with the said provision or requisition.

(*4*) Nothing in this section shall affect the powers of the Commissioner under any provision of this Act to cause any premises to be vacated.

**Power to summon witnesses and compel production of documents.**

**418.** (*1*) For the purposes of any inquiry or proceeding under this Act, the Judge may summon and enforce the attendance of witnesses and compel them to give evidence and compel the production of documents, by the same means and, as far as is possible, in the same manner as is provided in the case of a Court of Small Causes by or under the Provincial Small Cause Courts Act, 1887, and in all matters relating to any such inquiry or proceeding the Judge shall be guided generally by the provisions of the said Act so far as the same are applicable. IX of 1887.

(*2*) If, in any such inquiry or proceeding, the person against whom the complaint or application has been made fails to appear, notwithstanding that he has been duly summoned for this purpose, the Judge may hear and determine the case in his absence.

(*3*) The costs of every such inquiry or proceeding as determined by the Judge, shall be payable by such parties and in such proportions as the Judge shall direct and the amount thereof shall, if necessary, be recoverable as if the same were due under a decree of a Court of Small Causes constituted under the Provincial Small Cause Courts Act, 1887 : IX of 1887.

Provided that, if such inquiry or proceeding relates to a dispute regarding expenses declared to be improvement expenses by or under any provision of this Act, the amount of the costs directed by the Judge to be paid by the owner or occupier of the premises in respect of which or for the benefit of which the improvement expenses were incurred shall be a charge on such premises and may also be recovered in the manner prescribed in section 442.

**Fees in proceeding before the Judge.**

**419.** (*1*) The [1][State] Government may, from time to time, by notification in the *Official Gazette*, prescribe what fee, if any, shall be paid :—

(*a*) on any application, appeal or reference made under this Act to the Judge ; and

(*b*) previous to the issue, in any inquiry or proceeding of the Judge under this Act, of any summons or other process :

Provided that the fees, if any, prescribed under clause (*a*) shall not, in cases in which the value of the claim or subject matter is capable of being estimated in money, exceed the fees for the time being levied, under the provisions of the Provincial Small Cause Courts Act, 1887, in cases in which the value of the claim or subject matter is of like amount. IX of 1887.

(*2*) The [1][State] Government may from time to time by a like notification determine by what person any fee prescribed under clause (*a*) of sub-section (*1*) shall be payable.

(*3*) No application, appeal or reference shall be received by the Judge, until the fee, if any, prescribed therefor under clause (*a*) of sub-section (*1*) has been paid.

**Exemption of poor persons from fees.**

**420.** The Judge may, whenever he thinks fit, receive an application, appeal or reference made under this Act, by or on behalf of a poor person, and may issue process on behalf of any such person without payment or on a part payment of the fees prescribed under section 419.

[1] This word was substituted for the word "Provincial" by the Adaptation of Laws Order, 1950.

421. Whenever any application, appeal or reference made to the Judge under this Act is settled by agreement of the parties before the hearing, half the amount of all fees paid up to that time shall be repaid by the Judge to the parties by whom the same have been respectively paid. Repayment of half fees on settlement before hearing.

## VI. *Appointment of Magistrates.*

422. (*1*) The Provincial Government may with the consent of the Corporation create one or more posts of Magistrates of the First Class for the trial of offences against this Act, or against any rule, regulation or by-law made thereunder and may appoint any person to such post and may also appoint such ministerial officers for the court of any such Magistrate as it may think necessary : Appointment of a Magistrate of the First Class.

Provided that notwithstanding the appointment of one or more Magistrates of the First Class under this section it shall be open to the District Magistrate subject to the rules for the time being in force under section 17 of the Code of Criminal Procedure, 1898, regulating the distribution of business in the Courts of Magistrates of the First Class to make such distribution of the work of trial of such offences and of all other work before the Courts of the Magistrates (including any appointed under this section) as may appear to him most conducive to efficiency.

V of 1898.

(*2*) Such Magistrate or Magistrates and their establishments shall be paid such salary, pension, leave allowances and other allowances as may, from time to time, be fixed by the Provincial Government.

(*3*) The amounts of the salary and other allowances as fixed under sub-section (*2*), together with all other incidental charges shall be reimbursed to the Provincial Government by the Corporation, who shall also pay to the Provincial Government such contribution towards the pension, leave and other allowances of such Magistrate or Magistrates and their establishment as may from time to time be fixed by the Provincial Government :

Provided that the Provincial Government may, with the concurrence of the Corporation, direct that in lieu of the amounts payable under this section the Corporation shall pay to the Provincial Government annually, on such date as may be fixed by the Provincial Government in this behalf, such fixed sum as may be determined by the Provincial Government in this behalf.

## VII. *References to Magistrates.*

423. In the following matters references shall be made to a Magistrate of the First Class having jurisdiction within the limits of the City :— References to Magistrates.

(*a*) the abatement of overcrowding—under section 307 ;

(*b*) the detention of a person suffering from a dangerous disease in a public hospital under the rules

Disposal of animals and articles of non-perishable nature seized under section 338.

**424.** (*1*) Any animal and any article not of a perishable nature and any utensil or vessel seized under section 338 shall be forthwith taken before a Magistrate of the First Class.

(*2*) If it shall appear to such Magistrate that any such animal or article is diseased, unsound or unwholesome or unfit for human consumption, as the case may be, or is not what it was represented to be or that such utensil or vessel is of such kind or in such state as to render any article prepared, manufactured or contained therein unwholesome or unfit for human consumption, he may, and, if it is diseased, unsound, unwholesome or unfit for human consumption, he shall cause the same to be destroyed, at the charge of the person in whose possession it was at the time of its seizure, in such manner as to prevent the same being again exposed or hawked about for sale or used for human consumption, or for the preparation or manufacture of, or for containing any such article as aforesaid.

Penalty for possessing food which appears to be diseased, unsound or unwholesome or unfit for human food.

**425.** In every case in which food, on being dealt with under section 424, appears to the Magistrate to be diseased, unsound or unwholesome or unfit for human consumption, the owner thereof or the person in whose possession it was found, not being merely bailee or carrier thereof, shall, on conviction, if in such case the provisions of section 273 of the Indian Penal Code do not apply, be punished with fine which may extend to five hundred rupees. XLV of 1860

Application for summons to be refused if not applied for within a reasonable time.

**426.** In all prosecutions under section 425 the Magistrate shall refuse to issue a summons for the attendance of any person accused of an offence against such section, unless the summons is applied for within a reasonable time from the alleged date of the offence of which such person is accused.

## VIII. *Proceedings before Magistrates and the Sessions Court.*

Cognizance of offences.

**427.** (*1*) Offences for the contravention of sections 60, 61 and 325 shall be cognizable.

(*2*) Notwithstanding anything contained in the Code of Criminal Procedure, 1898, all offences against this Act, or against any rule, regulation or by-law, whether committed within or without the City, shall be cognizable by a Magistrate of the First Class having jurisdiction in the City and no such Magistrate shall be deemed to be incapable of taking cognizance of any such offence or of any offence against any enactment hereby repealed, by reason only of his being liable to pay any municipal tax or of his being benefited by the Municipal Fund. V of 1898.

(*3*) Notwithstanding anything contained in section 200 of the said Code, it shall not be necessary in respect of any offence against this Act or any rule, regulation or by-law made thereunder, to examine the complainant when the complaint is presented in writing.

Limitation of time within which complaints of offences punishable under this Act shall be entertained.

**428.** No Magistrate shall take cognizance of any offence punishable under this Act, or any rule, regulation or by-law, unless complaint of such offence is made before him—

(*a*) within six months next after the date of the commission of such offence ; or

(*b*) if such date is not known or the offence is a continuing one within six months next after the commission or discovery of such offence.

Power of magistrate to hear cases in absence of accused.

**429.** If any person summoned to appear before a Magistrate to answer a charge of an offence punishable under this Act or any rule, regulation or by-law fails to appear at the time and place mentioned in the summons, and if service of summons is proved to the satisfaction of the Magistrate and no sufficient cause is shown for the non-appearance of such person the Magistrate may hear and determine the case in his absence.

Report of Chemical Analyser to Government.

**430.** Any document purporting to be a report under the hand of the Chemical Analyser to Government upon any article duly submitted to him for analysis may be used as evidence of the facts therein stated in any inquiry or prosecution under this Act.

Complaint concerning nuisances.

**431.** (*1*) Any person who resides in the City may complain to a Magistrate of the First Class having jurisdiction therein of the existence of any nuisance or that in the exercise of any power conferred by section 156, 157, 175, 176, 177, 249 or 292 more than the least practicable nuisance has been created.

(*2*) Upon receipt of any such complaint, the Magistrate, after making such inquiry as he thinks necessary, may, if he sees fit, direct the Commissioner—

(*a*) to put in force any of the provisions of this Act or of any rule, regulation or by-law or to take such measures as to such Magistrate shall seem practicable and reasonable for preventing, abating, diminishing or remedying such nuisance ;

(*b*) to pay to the complainant such reasonable costs of and relating to the said complaint and order as the said Magistrate shall determine, inclusive of compensation for the complainant's loss of time in prosecuting such complaint.

(*3*) Subject to the provisions of section 432 it shall be incumbent on the Commissioner to obey every such order.

(*4*) Nothing in this Act contained shall interfere with the right of any person who may suffer injury or whose property may be injuriously affected by any act done in the exercise of any power conferred by section 156, 157, 175, 176, 177, 249 or 292 to recover damages for the same.

Appeal to the Sessions Court from order passed under section 431.

**432.** (*1*) An appeal shall lie to the Sessions Court from an order passed by a Magistrate under section 431 within one month of the date thereof.

(*2*) The Sessions Court may, when disposing of an appeal under sub-section (*1*) direct by whom and in what proportions, if any, the costs of the appeal are to be paid, and costs so directed to be paid may, on application to a Magistrate of the First Class having jurisdiction in the City, be recovered by him, in accordance with the direction of the Sessions Court, as if they were a fine imposed by himself.

(*3*) When an appeal has been preferred to the Sessions Court under this section, the Commissioner shall defer action upon the order of the Magistrate until such appeal has been disposed of and shall thereupon forthwith give effect to the order passed in such appeal by the Sessions Court or, if the order of the Magistrate has not been disturbed by the Sessions Court, then to his order.

(*4*) The Sessions Court may, from time to time, make rules for regulating the admission of appeals under sub-section (*1*) and the procedure to be followed in the adjudication thereof.

### IX. *Arrest of Offenders.*

Offenders against this Act may in certain cases be arrested by police officers.

**433.** (*1*) Any police officer may arrest any person who commits in his view any offence against this Act or against any rule, regulation or by-law, if the name and address of such person be unkown to him, and if such person, on demand, declines to give his name and address or gives a name and address which such officer has reason to believe to be false.

[1][(*2*) No person so arrested shall be detained in custody after his true name and address are ascertained or, without the order of the [2][nearest Judicial Magistrate], for a longer period than twenty-four hours from the time of arrest, exclusive of the time necessary for the journey from the place of arrest to the court of such Magistrate.]

### X. *Miscellaneous.*

Code of Civil Procedure to apply.

**434.** (*1*) Save as expressly provided by this Chapter, the provisions of the Code of Civil Procedure, 1908, relating to appeals from original decrees shall apply to appeals to the Judge from the orders of the Commissioner and relating to appeals from appellate decrees shall apply to appeals to the District Court. V of 1908.

(*2*) All other matters for which no specific provision has been made under this Act shall be governed by such rules as the [3][State] Government may from time to time make after consultation with the High Court.

Limitation.

**435.** (*1*) In computing the period of limitation prescribed for an appeal or application referred to in this Chapter, the provisions of sections 5, 12 and 14 of the Indian Limitation Act, 1908, shall, so far as may be, apply. IX of 1908.

(*2*) When no time is prescribed by this Act for the presentation of an appeal, application or reference, such appeal or application shall be presented or reference shall be made within thirty days from the date of the order in respect of or against which the appeal, application or reference is presented or made.

Execution of orders of the Judge and District Judge.

**436.** (*1*) All orders of the Judge shall be executed in the same manner as if they were decrees of the Court of Small Causes passed under the Provincial Small Causes Court Act, 1887; IX of 1887.

(*2*) All orders of the District Judge shall be executed as if they were the decrees of the District Court.

Criminal Procedure Code to apply to all inquiries and proceedings before magistrates.

**437.** The provisions of the Code of Criminal Procedure, 1898, shall, so far as may be, apply to all inquiries and proceedings under this Act before the Magistrates. V of 1898.

## CHAPTER XXVII.

### Recovery of Municipal Dues other than Taxes.

Recovery of expenses of removals by Commissioner under certain sections.

**438.** (*1*) The expenses incurred by the Commissioner in effecting any removal under section 60, section 231 or sub-section (*3*) of section 239, or, in the event of a written notice issued under sub-section (*2*) of section 226 or sub-section (*3*) of section 227 or section 232 or sub-section (*3*) of section 244 or sub-section (*3*) of section 245 or section 264 or section 308 not being complied with, under section 479, and all other expenses and charges specified in sub-section (*2*), if any, shall, subject

[1] Sub-section (2) was substituted for the original by the Adaptation of Laws Order, 1950.

[2] These words were substituted for the words "nearest Magistrate" by Bom. 8 of 1954, s. 2, Schedule – Part III.

[3] This word was substituted for the word "Provincial", by the Adaptation of Laws Order, 1950

to the provisions of sub-section (*2*), be recoverable by the sale of the materials removed, and if the proceeds of such sale do not suffice, the balance shall be paid by the owner of the said materials.

(*2*) If the expenses of removal are in any case paid before the materials are sold, the Commissioner shall restore the materials to the owner thereof, on his claiming the same at any time before they are sold or otherwise disposed of, and on his paying all other expenses, if any, incurred by the Commissioner in respect thereof or in respect of the intended sale or disposal thereof and all such charges, if any, as the Commissioner may fix for the storage of the materials.

(*3*) If the materials are not restored to the owner thereof under sub-section (*2*) they shall be sold by auction or otherwise disposed of as the Commissioner thinks fit:

Provided that, if the materials are perishable, they may be sold or disposed of forthwith, and, if other than perishable, they shall be sold or disposed of as soon as conveniently may be after one month from the date of their removal whether the expenses of the removal and the charges, if any, for storage have in the meantime been paid or not and the proceeds, if any, of the sale or other disposal, shall, after defraying therefrom the costs of the sale or other disposal, and, if necessary, of the removal and the charges for storage, be paid to the credit of the Municipal Fund, and shall be the property of the Corporation.

Expenses recoverable under the Act to be payable on demand, and if not paid on demand may be recovered as arrear of property tax

**439.** (*1*) Whenever under this Act, or any rule, regulation or by-law the expenses of any work executed or of any measure taken or thing done by or under the order of the Commissioner or of any municipal officer empowered under section 69 in this behalf are payable by any person, the same shall be payable on demand.

(*2*) If not paid on demand, the said expenses shall be recoverable by the Commissioner, subject to the provisions of sub-section (*4*) and sub-section (*3*) of section 416 by distress and sale of the moveable property or attachment and sale of the immovable property of the defaulter, as if the amount thereof were a property-tax due by the said defaulter.

(*3*) If, when the Commissioner demands payment of any expenses under sub-section (*1*), his right to demand the same or the amount of the demand is disputed, or if, in the case of expenses incurred by the Commissioner in taking temporary measures under sub-section (*2*) of section 247, the necessity for such temporary measures is disputed, the Commissioner shall refer the case for the determination of the Judge.

(*4*) Pending the Judge's decision the Commissioner shall defer further proceedings for the recovery of the sum claimed by him, and, after decision, shall, subject to the provisions of section 416, proceed to recover only such amount, if any, as shall be thereby determined to be due.

If defaulter is owner of premises in respect of which expenses are payable, occupier to be also liable for payment thereof.

**440.** If the said expenses are due in respect of some work executed or thing done to, upon or in connection with, some building or land or of some measure taken with respect to some building or land or in respect of a private street and the defaulter is the owner of such building or land or of the premises fronting or adjoining such street or abutting thereon, as the case may be, the amount thereof may be demanded from any person who at any time, before the said expenses have been paid, occupies the said building, land or premises under the said owner; and in the event of the said person failing to pay the same, they may be recovered, by distress and sale of the moveable property or the attachment and sale of the immovable property of the said person, as if the amount thereof were a property-tax due by him:

Provided as follows, namely—

(*a*) unless the said person neglects or refuses at the request of the Commissioner, truly to disclose the amount of the rent payable by him in respect of the said building or premises and the name and address of the person to whom the same is payable, the said person shall not be liable to pay on account of the said expenses any larger sum than, upto the time of demand, is payable by him to the owner on account of rent of the said building, land or premises; but it shall rest upon the said person to prove that the amount of the expenses demanded of him is in excess of the sum payable by him to the owner;

(*b*) the said persons shall be entitled to credit in account with the owner for any sum paid by or recovered from him on account of the said expenses;

(*c*) nothing in this section shall affect any agreement made between the said person and the owner of the building, land or premises in his occupation respecting the payment of the expenses of any such work, thing or measure as aforesaid.

Commissioner may agree to receive payment of expenses n instalments.

**441.** Instead of recovering any such expenses as aforesaid in any manner hereinbefore provided, the Commissioner may, if he thinks fit and with the approval of the Standing Committee, take an agreement from the person liable for the payment thereof, to pay the same in instalments of such amounts and at such intervals as will secure the payment of the whole amount due, with interest thereon, at such rate not exceeding nine per centum per annum as the Standing Committee may fix from time to time, within a period of not more than five years.

Certain expenses may be declared to be improvement expenses.

**442.** (*1*) Any expenses incurred by the Commissioner under any provision of this Act in respect of any material or fittings supplied or work executed or thing done to, upon or in connection with some building or land which are recoverable from the owner or occupier of such building or land may, subject to the regulations, be declared to be improvement expenses if the Commissioner with the approval of the Corporation, thinks fit so to declare them, and on such declaration being made, such expenses, together with interest thereon payable under sub-section (*2*), shall be a charge on the premises in respect of which, or for the benefit of which, the expenses have been incurred.

(*2*) Improvement expenses shall be recoverable in instalments of such amount not being less for any premises than twelve rupees per annum, and at such intervals as will suffice to discharge such expenses, together with interest thereon at such rate not exceeding six per centum per annum as the Standing Committee may fix from time to time, within such period not exceeding thirty years as the Commissioner with the approval of the Corporation may in each case determine.

(*3*) The said instalments shall be payable by the occupier of the premises on which the expenses and interest thereon are so charged or, in the event of the said premises becoming unoccupied at any time before the expiration of the period fixed for the payment of such expenses or before the sum, with interest as aforesaid, are fully paid off, by the owner for the time being of the said premises, so long as the same continue to be unoccupied.

Proportion of improvement expenses may be deducted from rent.

**443.** (*1*) Where the occupier by whom any improvement expenses are paid holds the premises on which the expenses together with interest thereon are charged, at a rent not less than the rack-rent, he shall be entitled to deduct three-fourths of the amount paid by him on account of such expenses and interest thereon as aforesaid from the rent payable by him to his landlord, and, if he holds at a rent less than the rack-rent, he shall be entitled to deduct from the rent so payable by

him such proportion of three-fourths of the amount paid by him on account of such expenses and interest thereon as aforesaid as his rent bears to the rack-rent.

(2) If the landlord from whose rent any deduction is so made is himself liable to the payment of rent for the premises in respect of which the deduction is made and holds the same for a term of which less than twenty years is unexpired (but not otherwise), he may deduct from the rent so payable by him such proportion of the sum deducted from the rent payable to him as the rent payable by him bears to the rent payable to him, and so in succession with respect to every landlord (holding for a term of which less than twenty years is unexpired) of the same premises both receiving and liable to pay rent in respect thereof:

Provided that nothing in this section shall be construed to entitle any person to deduct from the rent payable by him more than the whole sum deducted from the rent payable to him.

Redemption of charge for improvement expenses.

**444.** At any time before the expiration of the period for the payment of any improvement expenses together with interest thereon, the owner or occupier of the premises on which they are charged may redeem such charge by paying to the Commissioner such part of the said expenses and such interest due, if any, as may not have been already paid or recovered.

Recovery of instalments due under sections 441 and 442.

**445.** Any instalment payable under section 441 or 442 which is not paid when the same becomes due, may be recovered by the Commissioner by distress and sale of the moveable property or the attachment and sale of the immovable property of the person by whom it is due as if it were a property-tax due by the said person.

In default of owner the occupier of any premises may execute required work and recover expenses from the owner.

**446.** Whenever the owner of any building or land fails to execute any work which he is required to execute under this Act or under any rule, regulation or by-law the occupier, if any, of such building or land may, with the approval of the Commissioner, execute the said work, and he shall be entitled to recover the reasonable expenses incurred by him in so doing from the owner and may without prejudice to any other right of recovery deduct the amount thereof from the rent which from time to time becomes due by him to the owner.

Persons liable for expenses or compensation may be sued for recovery thereof.

**447.** Instead of proceeding in any manner aforesaid for the recovery of any expenses or compensation of which the amount due has been ascertained as hereinbefore provided, or after such proceedings have been taken unsuccessfully or with only partial success, the sum due, or the balance of the sum due, as the case may be, may be recovered by a suit brought against the person liable for the same in any Court of competent jurisdiction.

## CHAPTER XXVIII.

### CONTROL.

Power of Provincial Government to require performance of duties in default of any municipal authority.

**448.** (*1*) If it shall at any time appear to the Provincial Government upon complaint or otherwise that default has been made in the performance of any duty imposed on any of the municipal authorities by or under this Act or by or under any enactment for the time being in force, the Provincial Government may, if satisfied after due inquiry that the alleged default has been made, make an order prescribing a period for the performance of that duty:

Provided that, except in any case which appears to the Provincial Government to be one of emergency, no such order shall be made until after the expiry of one month

from the date of service of a written notice on the Corporation, and if the Provincial Government shall think fit, on the Commissioner, requiring cause to be shown why such order should not be made, nor until the cause, if any, so shown has been considered by the Provincial Government.

(*2*) If the duty is not performed within the period prescribed in an order made under sub-section (*1*), the Provincial Government may appoint some person to perform the same and may direct that the expense of performing such duty, together with such reasonable remuneration to the person performing the same as the Provincial Government shall determine and the cost of the proceedings under this section shall be paid out of the Municipal Fund.

Expenses of measures enforced under section 448 how to be recovered.

**449.** (*1*) When any such order as is mentioned in sub-section (*2*) of section 448, shall have been made, the Corporation shall cause to be paid to the Provincial Government the sum or sums of money of which payment shall from time to time be required, in pursuance of the said order, in any requisition made by the Provincial Government.

(*2*) If, within fourteen days from the delivery of any such requisition, the same is not complied with, the Provincial Government may by a written order authorise and direct some person to receive from the bank in which the Municipal Fund is lodged the sum or sums mentioned in the said order.

(*3*) The said bank shall, upon production of the said written order, forthwith pay the said sum or sums to the person therein authorized to receive the same and the said written order shall be a sufficient discharge to the said bank from all liability to the Corporation in respect of any sum or sums so paid by it out of the Municipa Fund.

Power to Provincial Government to call for extracts from proceedings, etc.

**450.** (*1*) The Provincial Government may at any time call upon the Corporation to furnish it with any extract from any proceedings of the Corporation, the Standing Committee, the Transport Committee or any other committee constituted under this Act or from any record under the control of the Corporation and with any statistics concerning or connected with the administration of this Act; and the Corporation shall furnish the same without unreasonable delay.

(*2*) The Provincial Government may at any time call upon the Commissioner or the Transport Manager to furnish it with any information, report, explanation or statistics concerning or connected with the executive administration of this Act so far as each is concerned, and the Commissioner or the Transport Manager, as the case may be, shall furnish the same without unreasonable delay.

Power of Provincial Government to suspend action under this Act.

**451.** (*1*) If the Provincial Government is of opinion that the execution of any resolution or order of the Corporation or of any other municipal authority or officer subordinate thereto or the doing of any act which is about to be done or is being done by or on behalf of the Corporation is in contravention of or in excess of the powers conferred by this Act or of any other law for the time being in force or is likely to lead to a breach of the peace or to cause injury or annoyance to the public or to any class or body of persons, the Provincial Government may, by order in writing, suspend the execution of such resolution or order, or prohibit the doing of any such act.

(*2*) A copy of such order shall forthwith be sent to the Corporation by the Provincial Government.

(*3*) The Provincial Government may at any time, on representation by the Corporation or otherwise, revise, modify or revoke an order passed under sub-section (*1*).

Power of Provincial Government to supersede Corporation in case of incompetency, persistent default or excess or abuse of powers.

**452.** (*1*) If at any time upon representation made or otherwise it appears to the Provincial Government that the Corporation is not competent to perform, or persistently makes default in the performance of, the duties imposed upon it by or under this Act or any other law for the time being in force or exceeds or abuses its powers, the Provincial Government may, after having given the Corporation an opportunity to show cause why such order should not be made, by an order published, with the reasons therefor, in the *Official Gazette*, direct that the Corporation shall be superseded for a period to be specified in the order.

(*2*) When an order is made under sub-section (*1*), the following consequences shall ensue :—

(*a*) all the councillors shall, as from the date of the order of supersession, vacate their offices as such councillors ;

(*b*) if the Provincial Government so directs in the order, the members of the Transport Committee shall, as from the said date, vacate their offices as such members ;

(*c*) all powers and duties of the Corporation, the Standing Committee and, if the Provincial Government has directed that the members of the Transport Committee shall vacate office, the Transport Committee under this Act or under any other law for the time being in force shall, during the period of supersession, be exercised and performed by such person or persons as the Provincial Government from time to time appoints in this behalf ;

(*d*) all property vested in the Corporation shall, during the period of supersession, vest in the Crown ;

(*e*) the person or persons appointed under clause (*c*) may delegate his or their powers and duties to an individual or to a committee or sub-committee.

(*3*) The Provincial Government may from time to time, after inquiry made, by an order published in the *Official Gazette*, direct that the period of supersession with all the consequences aforesaid shall be continued until such date as is specified in the order.

(*4*) The Corporation shall be re-established on the expiration of the period specified in the order of supersession under sub-section (*1*) as continued from time to time by order under sub-section (*3*) by the election of councillors at general ward elections held in accordance with the provisions of this Act :

Provided that the person or persons appointed under clause (*c*) of sub-section (*2*) shall continue to exercise the powers and perform the duties of the Corporation, the Standing Committee and, as the case may be, the Transport Committee until the first meeting of the Corporation constituted by the election of councillors as aforesaid shall have been held.

## CHAPTER XXIX.

### RULES, BY-LAWS, REGULATIONS AND STANDING ORDERS.

Rules in Schedule to be part of the Act.

**453.** The rules in the Schedule as amended from time to time shall be deemed to be part of this Act.

Alteration of and additions to Schedule.

**454.** The Corporation may add to the Schedule rules not inconsistent with the provisions of this Act (which expression shall in this section be deemed not to include the said Schedule) to provide for any matter dealt with or for any of the purposes specified in the said Schedule; and may, subject to the same limitations, amend, alter or annul any rule in the said Schedule:

Provided that, if any rule regulating the punishment of an offence is altered or amended, the punishment awarded under such altered or amended rule shall not exceed the maximum provided in section 468.

Power to make rules subject to sanction of Provincial Government.

**455.** (*1*) The power to make, add to, alter or rescind any rule under section 454, shall be subject to the sanction of the Provincial Government and to the condition of the rules being made after previous publication.

(*2*) All rules made under section 454 shall be finally published in the *Official Gazette* and shall thereupon have effect as if enacted in this Act.

(*3*) In addition to the publication required under sub-sections (*1*) and (*2*), the Corporation may determine in each case what further publication, if any, is required for rules made or proposed to be made.

Power of Provincial Government to make rules.

**456.** (*1*) The Provincial Government may at any time require the Corporation to make rules under section 454 in respect of any purpose or matter specified in section 457.

(*2*) If the Corporation fails to comply with such requisition within such reasonable time as may be fixed by the Provincial Government, the Provincial Government may, after previous publication, make such rules and the rules so made shall, on final publication in the *Official Gazette*, have effect as if enacted in this Act.

Matters in respect of which rules may be made.

**457.** In particular, and without prejudice to the generality of the powers conferred by section 454, rules made thereunder may provide for or regulate all or any of the following purposes and matters, namely:—

(*1*) *Ward elections.*—(*a*) The amount of the rateable value of business premises for the purposes of the business premises qualification under section 8;

(*b*) the preparation, publication, correction, and revision of the municipal election roll, the manner in which, the conditions under which, and the authority by which, claims to, or objections against, inclusion in, or exclusion from, the said roll may be made and decided and the date on which the said roll shall come into operation and the period for which it shall continue in operation;

(*c*) the nomination of candidates, the form of nomination papers, objections to such nominations, and the taking and return of deposits from and to candidates;

(*d*) the date, time and place of ward elections and the management of contested ward elections;

(*e*) the mode of voting in the case of companies, firms or associations;

(*f*) the mode of voting and the form of ballot paper;

(*g*) the counting of votes, the declaration of results and the procedure in case of equality of votes or in the event of a councillor being elected to represent more than one ward;

(*h*) the custody and disposal of papers relating to ward elections;

(*i*) any other matter relating to ward elections for which it may be expedient to provide.

(*2*) *Proceedings of Corporation and Committees and conduct of business.*—(*a*) The time and place of meetings of the Corporation, committees and sub-committees;

(*b*) the manner in which notice of such meetings shall be given;

(*c*) the quorum necessary for the transaction of business at such meetings;

(*d*) the management and adjournment of such meetings, and the regulation of orderly conduct of business thereat, including the withdrawal or suspension of members guilty of disorderly conduct;

(*e*) the submission, asking and answering of questions at meetings of the Corporation;

(*f*) the constitution of Special Committees;

(*g*) the keeping of minutes and the submission of reports of meetings of the Corporation, committees and sub-committees;

(*h*) the delegation of the powers of the Standing Committee to sub-committees;

(*i*) the payment of conveyance charges to the Chairman and members of the Transport Committee for attendance at meetings thereof;

(*j*) any other matter relating to the proceedings of the Corporation, a committee or a sub-committee, the holding and regulation of meetings, the conduct of debate, the inspection of minute-books and the supply of copies of minutes to councillors or other persons on payment of fees or otherwise.

(*3*) *Municipal officers and servants.*—(*a*) The qualifications necessary for and the method of appointment to posts the power of appointment to which vests in the Corporation;

(*b*) the mode of appointment to other posts;

(*c*) the powers and duties of the Municipal Chief Auditor and his staff;

(*d*) the determination of the services under the municipality to be treated as essential services for the purposes of Chapter V.

(*4*) *Contracts.*—(*a*) The manner in which contracts may be executed;

(*b*) the security to be demanded for the due performance of contracts;

(*c*) the calling, examination and acceptance of tenders;

(*d*) the procedure to be followed in disposing of the property of the Corporation.

(*5*) *Special Funds.*—The constitution, maintenance and disposal of special funds within the Municipal Fund or the Transport Fund.

(*6*) *Budget estimates.*—(*a*) The classification of budget-estimates of expenditure according to budget heads ;

(*b*) the manner of making reductions in or transfers from one budget head to another or within a budget head.

(*7*) *Municipal Taxes.*—(*a*) The assessment and recovery of municipal taxes ;

(*b*) the conditions on which refunds of municipal taxes shall be allowed ;

(*c*) in respect of a tax leviable under sub-section (*2*) of section 127, the matters referred to in sub-section (*1*) of section 149.

(*8*) *Drainage.*—(*a*) The construction, maintenance, improvement, alteration and discontinuance of drains ;

(*b*) the conditions and restrictions to be observed with reference to drains ;

(*c*) the conditions for connections with municipal drains ;

(*d*) the conditions on which occupiers of trade-premises may discharge any trade effluent into municipal drains ;

(*e*) the conditions to be observed in erecting or affixing ventilation shafts or pipes under section 175 ;

(*f*) the manner in which samples of trade-effluent shall be analysed ;

(*g*) the construction, position and maintenance of water-closets, privies, urinals, bathing places or washing places.

(*9*) *Water supply.*—The terms and conditions of the supply of water to buildings or other premises.

(*10*) *Streets.*—(*a*) The information and documents to be furnished in connection with the lay-out of lands for building and private streets ;

(*b*) the definition of sky-signs ;

(*c*) the naming or numbering of streets and public places and the numbering of buildings.

(*11*) *Regulation of Buildings.*—(*a*) The manner in which further information and documents in regard to the erection of, or additions to, alterations in, or repairs of, buildings shall be supplied ;

(*b*) the conditions to be observed in commencing, carrying out, and completing building work and in occupying buildings on completion of works ;

(*c*) the restrictions under which alterations may be made in the use of buildings ;

(*d*) the inspection of newly constructed buildings ;

(*e*) the conditions on which loans may be granted out of the Municipal Fund for building and the form of application for such loans.

(*12*) *Fire Brigade.*—The powers exercisable by the chief or other officer of the municipal fire brigade on the occasion of a fire.

(*13*) *Sanitary Provisions.*—(*a*) The furnishing of information regarding the number of occupants in buildings ;

(*b*) he removal and disposal of filth, rubbish and polluted and excrementitious matter from premises ;

(*c*) the maintenance of premises in a sanitary condition;

(*d*) the prevention of nuisances, including the prohibition and regulation of wells;

(*e*) the removal, trimming and cutting of trees and hedges;

(*f*) the regulation of the keeping of animals in the City;

(*g*) the regulation of public bathing and the washing of clothes;

(*h*) the information to be furnished by persons applying for permission to establish, remove, or re-open a factory, workshop, workplace or bakery governed by section 313;

(*i*) the articles which may not be kept and the trades and operations which may not be carried on in or upon any premises without a licence under section 376;

(*j*) the inspection of premises used or suspected of being used as a factory, workshop, workplace or bakery or for any licenseable trade or occupation or for the storage of any licenseable article;

(*k*) the prevention and regulation of the discharge of smoke, steam, fumes and noxious vapours;

(*l*) the prohibition and regulation of the use of whistles, trumpets and noise-producing instruments operated by any mechanical means;

(*m*) measures for the prevention of the spread of dangerous diseases.

(*14*) *Markets.*—The regulation of sales within or outside municipal or private markets.

(*15*) *Fares and charges levied by Transport Undertaking.*—The exhibition of notices of fares and charges in vehicles used for the conveyance of passengers.

(*16*) *Vital Statistics.*—The supply of forms of certificate regarding the cause of death to medical practitioners.

(*17*) *General.*—Any matter which is or may be prescribed to be provided for by rules.

By-laws for what purpose to be made.

**458.** The Corporation may from time to time make by-laws, not inconsistent with this Act and the rules, with respect to the following matters, namely—

(*1*) regulating, in any particular not specifically provided for in this Act or the rules, the construction, maintenance, protecting, flushing, cleansing and control of drains, ventilation-shafts or pipes, cess-pools, water-closets, privies, latrines, urinals, washing places, drainage works of every description, whether belonging to the Corporation or other persons, municipal water-works, private communication pipes, private streets and public streets;

(*2*) regulating all matters and things connected with the supply and use of water;

(*3*) regulating the maintenance, supervision and use of public and private cart-stands and the levy of fees for the use of such of them as belong to the Corporation;

(*4*) prescribing the forms of notice under sections 253 and 254, the information documents and plans to be furnished therewith in respect of different classes of structures or works, the manner in which and the persons by whom notices shall be signed and the manner in which plans, sections, descriptions, structural drawings or structural calculations shall be drawn, given, prepared and signed;

(*5*) regulating the manner in which, the supervision under which, the agency through which and the conditions and restrictions under which the work of erecting or re-erecting buildings of particular classes and any work such as is described in section 254 shall be carried out;

(*6*) the structure of walls, foundations, roofs and chimneys, the number, width and position of staircases, the width of corridors and passages, the materials, dimensions and strength of floors and staircases and of all scantlings, girders, posts and columns of buildings, for securing stability and the prevention of fires and the safety of the inmates in the event of fire and for purposes of health, either generally or with reference to the type of the structure and the use to which it is intended to be put;

(*7*) the construction of scaffolding for building operations to secure the safety of the operatives and of the general public;

(*8*) the provision and maintenance of sufficient open space, either external or internal, about buildings to secure a free circulation of air, and of other means for the adequate ventilation of buildings;

(*9*) the provision and maintenance of suitable means of access to buildings and preventing encroachment thereon;

(*10*) the provision and maintenance of house-gullies and service-passages;

(*11*) regulating the conditions on which frame buildings may be constructed;

(*12*) regulating the use of land as building sites, prescribing the minimum size of such sites, either generally or for specified areas and prescribing set-backs from the street margin for all or particular classes of buildings on specified streets or classes of streets or in specified localities.

(*13*) regulating the height of structures generally or with reference to the materials of which they are constructed or the width of the streets on which they front or the areas in which they are situated or the purposes for which they are intended to be used;

(*14*) regulating the number and height above the ground or above the next lower storey of the storeys of which a building may consist;

(*15*) prescribing the form of the completion certificate required under section 263 and the manner in which and the person by whom it shall be signed and subscribed;

(*16*) regulating the intervals at which, the manner in which and the persons by whom buildings shall be periodically inspected under section 265;

(*17*) regulating the management, maintenance, control and use of dwellings intended for the poorer sections of the community vesting in the Corporation;

(*18*) prescribing the qualifications and experience of licensed surveyors, architects, engineers, structural designers, clerks of works and plumbers;

(*19*) regulating in any particular not specifically provided for in this Act conservancy and sanitation, the destruction of rod nts and other vermin, preventive and remedial measures against mosquitoes, flies and other insect pests;

(*20*) the control and supervision of all premises used for any of the purposes mentioned in section 376 and of all trades and manufactures carried on thereon and the prescribing and regulating of the construction, dimensions ventilation, lighting, cleansing, drainage and water-supply of any such premises.

(*21*) the inspection of milch-cattle, and prescribing and regulating the construction, dimensions, ventilation, lighting, cleansing, drainage and water-supply of cattle-sheds and dairies;

(*22*) securing the cleanliness of milk-stores, milk-shops and milk-vessels used by dairymen or milk-sellers for containing milk;

(*23*) regulating the sale of milk in the City; the protection of milk against contamination and the prevention of the sale of contaminated milk;

(*24*) requiring notice to be given whenever any milch animal is affected with any contagious disease and prescribing precautions to be taken for protecting milch-cattle and milk against infection or contamination;

(*25*) regulating the measures to be taken in the event of the outbreak of any disease among animals which is communicable to man and the supply of information which will facilitate the taking of such measures;

(*26*) securing the efficient inspection of markets and slaughter-houses and of shops in which articles intended for human food are kept or sold;

(*27*) the control and supervision of butchers carrying on business within the City or at a municipal slaughter-house without the City;

(*28*) regulating the use of any municipal market building, market place or slaughter-houses or any part thereof;

(*29*) controlling and regulating the sanitary condition of markets and slaughter-houses and preventing the exercise of cruelty therein;

(*30*) the licensing of hand-carts, other than those exempted from taxation under section 143 or those plying for hire in respect of which licences have been issued under the Bombay Public Conveyances Act, 1920, and the seizure and detention of any such hand-carts that have not been duly licensed;

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(*31*) requiring notice to be given of the occurrence of cases of any infectious, epidemic or endemic disease, not being a dangerous disease, which may be specified and prescribing the precautions to be taken by persons suffering from, or exposed to infection from, any such disease;

(*32*) regulating the disposal of the dead and the maintenance of all places for the disposal of the dead in good order and in a safe sanitary condition, due regard being had to the religious usages of the several classes of the community;

(*33*) regulating the use of any place for the skinning and cutting up of the carcasses of animals;

(*34*) facilitating and securing complete and accurate registration of births and deaths;

(*35*) the registration of marriages;

(*36*) securing the protection of public parks, gardens, public parking places and open spaces vested in or under the control of the Corporation from injury or misuse, regulating their management and the manner in which they may be used by the public and providing for the proper behaviour of persons in them;

(*37*) regulating the use of barbed wire or other material for the fencing of land or premises abutting on any street, pathway or place which the public are entitled to use or frequent;

(*38*) regulating trade in rags, bones or second-hand clothing, bedding or other similar articles, including measures for disinfecting on import or before removal, sale or exposure for sale or use in any manufacturing process of any such article ;

(*39*) regulating the holding of fairs and industrial exhibitions in the City ;

(*40*) regulating and prohibiting the stocking of inflammable materials and of the lighting of fires in any specified portion of the City ;

(*41*) regulating the charges for services rendered by any municipal authority ;

(*42*) regulating admission to, and use by members of the public of, municipal hospitals, dispensaries, infirmaries, homes and similar institutions and the levy of fees therein ;

(*43*) the protection of the property of the Corporation ;

(*44*) regulating the inspection by members of the public of municipal records and the fees to be charged before such inspection is allowed ;

(*45*) regulating the grant of certified copies or extracts from municipal records, and the fees chargeable for such copies or extracts ;

(*46*) regulating the appointment by owners of buildings or lands in the City who are not resident therein of agents residing in or near the City to act for such owners for all or any of the purposes of this Act or the rules, regulations or by-laws ;

(*47*) regulating generally matters affecting the conduct of the Transport Undertaking and the travelling in or upon vehicles of the Undertaking used for the conveyance of passengers, subject to the provisions of any other enactment applicable to the Undertaking and the provisions of any rules, by-laws, regulations, permit or licence issued thereunder, and, in particular, the observance by municipal officers and servants appointed in connection with the Undertaking of sobriety, courtesy and special vigilance to prevent danger to persons or vehicles using the streets ;

(*48*) carrying out generally the provisions and intentions of this Act.

Commissioner to lay draft by-laws before the Corporation for its consideration.

**459.** It shall be the duty of the Commissioner from time to time to lay before the Corporation for its consideration a draft of any by-law which he shall think necessary or desirable for the furtherance of any purpose of this Act.

Hearing by Corporation of objections to proposed by-laws.

**460.** No by-law shall be made by the Corporation, unless —

(*a*) a notice of the intention of the Corporation to take such by-law into consideration shall have been given in the *Official Gazette* and in the local newspapers at least six weeks before the date on which the Corporation finally considers such by-law ;

(*b*) a printed copy of such by-law shall have been kept at the chief municipal office and made available for public inspection free of charge by any person desiring to peruse the same at any reasonable time for at least one month from the date of the notice given under clause (*a*) ;

(*c*) printed copies of such by-law shall have been delivered to any person requiring the same on payment of such fee for each copy as shall be fixed by the Commissioner;

(*d*) all objections and suggestions which may be made in writing by any person with respect thereto within one month of the date of the notice given under clause (*a*) shall have been considered by the Corporation.

By-laws to be confirmed by Provincial Government

**461.** No by-law made under section 458 shall have any validity unless and until it is confirmed by the Provincial Government.

By-laws confirmed by Provincial Government to be published the *Official Gazette*.

**462.** When any by-law has been confirmed by the Provincial Government it shall be published in the *Official Gazette*, and thereupon shall have the force of law.

Printed copies of by-laws to kept on sale.

**463.** (*1*) The Commissioner shall cause all by-laws from time to time in force to be printed, and shall cause printed copies thereof to be delivered to any person requiring the same, on payment of such fee for each copy as he may fix.

(*2*) Printed copies of the by-laws for the time being in force shall be kept for public inspection in some part of the municipal office to which the general public has access and in such places of public resort, markets, slaughter-houses and other works or places affected thereby, as the Commissioner thinks fit, and the said copies shall from time to time be renewed by the Commissioner.

(*3*) In regard to by-laws relating exclusively to the operations of the Transport Undertaking the provisions of this section shall apply as if for the word "Commissioner" the words "Transport Manager" had been substituted and as if sub-section (*2*) had provided for the display of the relevant by-laws in every vehicle of the Transport Undertaking used for the conveyance of the public.

Provincial Government may modify or repeal by-laws.

**464.** (*1*) If it shall at any time appear to the Provincial Government that any by-law should be modified or repealed either wholly or in part, it shall cause its reasons for such opinion to be communicated to the Corporation and prescribe a reasonable period within which the Corporation may make any representation with regard thereto which it shall think fit.

(*2*) After receipt and consideration of any such representation or, if in the meantime no such representation is received, after the expiry of the prescribed period, the Provincial Government may at any time by notification in the *Official Gazette*, modify or repeal such by-law either wholly or in part.

(*3*) The modification or repeal of a by-law under sub-section (*2*) shall take effect from such date as the Provincial Government shall in the said notification direct or, if no such date is specified, from the date of the publication of the said notification in the *Official Gazette*, except as to anything done or suffered or omitted to be done before such date.

(*4*) The said notification shall also be published in the local newspapers.

Regulations.

**465.** (*1*) The Standing Committee shall from time to time frame regulations not inconsistent with this Act and the rules but in consonance with any resolution that may be passed by the Corporation—

(*a*) prescribing the qualifications required for appointments to posts in municipal service other than those specified in sub-clause (*a*) of clause (*3*) of section 457;

(*b*) fixing the amount and the nature of the security to be furnished by any municipal officer or servant from whom it may be deemed expedient to require security;

(*c*) regulating the grant of leave to municipal officers and servants;

(*d*) authorizing the payment of allowances to the said officers and servants, or to certain of them, whilst absent on leave;

(*e*) determining the remuneration to be paid to the persons appointed to act for any of the said officers or servants during their absence on leave;

(*f*) authorizing the payment of travelling or conveyance allowance to the said officers and servants;

(*g*) regulating the period of service of all the said officers and servants;

(*h*) determining the conditions under which the said officers and servants, or any of them, shall on retirement or discharge receive pensions, gratuities or compassionate allowances, and under which the surviving spouse or children and, in the absence of the surviving spouse or children, the parents, brothers and sisters, if any, dependent on any of the said officers and servants, shall, after their death, receive compassionate allowances and the amounts of such pensions, gratuities or compassionate allowances;

(*i*) prescribing the procedure to be followed in removing from service or dismissing or otherwise punishing any municipal officer or servant other than an officer who is appointed under section 40 or 45 or who is appointed to act in the place of such officer;

(*j*) authorizing the payment of contributions, at certain prescribed rates and subject to certain prescribed conditions, to any pension or provident fund which may, with the approval of the Standing Committee, be established by the said officers and servants or to such provident fund, if any, as may be established by the Corporation for the benefit of the said officers and servants;

(*k*) prescribing the conditions under which and, subject to the provisions of sub-section (*2*) of section 50, the authorities by whom the said officers and servants or any of them, may be permitted while on duty or during leave to perform a specified service or series of services for a private person or body or for a public body, including a local authority, or for the Government and to receive remuneration therefor;

(*l*) in general, prescribing any other conditions of service of the said officers and servants.

(*2*) The Standing Committee may also from time to time frame regulations not inconsistent with the provisions of this Act and the rules—

(*a*) determining the standards of fitness of buildings for human habitation ;

(*b*) regulating the declaration of expenses incurred by the Commissioner under the provisions of this Act and the rules in respect of any materials or fittings supplied or work executed or thing done to, upon or in connection with some building or land which are recoverable from the owner or occupier to be improvement expenses ;

(*c*) prescribing the powers of the municipal Chief Auditor with regard to the disapproval of, and the procedure with regard to the settlement of objections to expenditure from the revenues of the Corporation ;

(*d*) regulating the grant of permission by the Commissioner for the construction of shops, ware-houses, factories, huts or buildings designed for particular uses in any streets, portions of streets or localities specified in a declaration in force under section 269.

(*3*) (*a*) No regulation under sub-section (*1*) or under clause (*a*) of sub-section (*2*) shall have effect until it has been confirmed by the Corporation and, if made under clause (*h*) of sub-section (*1*), until it has in addition been confirmed by the [1][State] Government ;

(*b*) regulations under [2][clause (*c*) of sub-section (*2*)] shall be made in consultation with the Chief Auditor and shall not have effect unless sanctioned by the Corporation.

(*4*) With reference to officers and servants appointed under Chapter XX and to expenditure from the Transport Fund the provisions of sub-section (*1*) and of clause (*c*) of sub-section (*2*) shall apply as if for the words "Standing Committee" the words "Transport Committee" had been substituted.

Making of standing orders by Commissioner.

**466.** (*1*) The Commissioner may make standing orders consistent with the provisions of this Act and the rules and by-laws in respect of the following matters, namely :—

(A) (*a*) prescribing nakas for the collection of octroi and tolls ;

(*b*) regulating the mode and manner in which octroi and tolls shall be collected ;

(*c*) determining how octroi shall be calculated when no reliable evidence is available of the value of the goods imported ;

(*d*) regulating the stamping, sealing or otherwise marking of imported goods ;

(*e*) prescribing the manner in which refunds of octroi shall be claimed or made and the conditions under which agents shall be recognised for obtaining refunds of octroi ;

(*f*) determining the supervision under which, the routes by which and the time within which goods intended for immediate exportation shall be conveyed out of the City and the fees payable by persons so conveying the goods ;

(*g*) any other matter relating to the collection of octroi which is not provided for in this Act ;

(B) the manner in which sales of immovable property attached for the non-payment of municipal dues shall be held ;

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[1] This word was substituted for the word "Provincial" by the Adaptation of Laws Order, 1950.

[2] These words, brackets, letter and figure were substituted for the words, brackets, letter and figure "clause (*b*) of sub-section (*2*)" by Bom. 39 of 1951, s. 3, Second Schedule.

(C) (*a*) the training, discipline and good conduct of the men belonging to the municipal fire-brigade and any volunteer fire brigade recognised by the Corporation ;

(*b*) their speedy attendance with engines, fire-escapes and all necessary implements on the occasion of any alarm of fire ;

(*c*) the maintenance of the said brigade generally in a due state of efficiency ;

(*d*) determining the officers to whom and the places at which intimation of the outbreak of a fire shall be reported and the action to be taken on the receipt of such intimation ;

(*e*) for the granting of gratuities, rewards or certificates to persons who have given notice of fires or who have rendered meritorious service to the fire-brigade on the occasion of a fire ;

(D) (*a*) for preventing nuisance or obstruction in any market-building, market-place, slaughter-house or stock-yard or in the approaches thereto ;

(*b*) fixing the days and the hours on and during which any market, slaughter-house or stock-yard may be held or kept open for use and prohibiting the owner of any private market from keeping it closed without lawful excuse on such days or during such hours ;

(*c*) prohibiting every vendor in a market from closing his shop, stall or standing to the public without lawful excuse or from withholding from sale any articles in which he normally deals ;

(*d*) for keeping every market-building, market-place, slaughter-house or stock-yard in a cleanly and proper state, and for removing filth and refuse therefrom ;

(*e*) requiring that any market-building, market-place, slaughter-house or stock-yard be properly ventilated and be provided with a sufficient supply of water ;

(*f*) requiring that in market-buildings and market-places passages be provided between the stalls of sufficient width for the convenient use of the public ;

(*g*) for the marking or branding for purpose of identification of animals rejected for slaughter as discarded or unwholesome ;

(*h*) regulating the method of slaughter at slaughter-houses ;

(*i*) requiring the allotment in markets of separate areas for different classes of articles ;

(*j*) generally regulating the orderly management and control of markets, slaughter-houses and stock-yards.

(*2*) No order made by the Commissioner under clause (A) of sub-section (*1*) shall be valid unless it is approved by the Standing Committee and confirmed by the [1][State] Government, and no order made by the Commissioner under clause (B) or paragraph (*e*) of clause (C) of sub-section (*1*) shall be valid unless it is approved by the Standing Committee.

[1] This word was substituted for the word " Provincial " by the Adaptation of Laws Order, 1950.

Posting of standing orders and table of stallage, rents, etc.

**467.** A printed copy of the standing orders shall be affixed in a conspicuous place in the municipal office and a printed copy of the table of stallages, rents and fees, if any, in force in any market, slaughter-house or stock-yard under sections 332 and 333 shall be affixed in some conspicuous spot in the market-building, market-place, slaughter-house or stock-yard.

Penalty for breach of rules, by-laws, regulations or standing orders.

**468.** In making rules under section 454 or by-laws, regulations or standing orders, the Provincial Government, the Corporation, the Standing Committee, or the Commissioner, as the case may be, may provide that for any breach thereof the offender shall on conviction—

(*a*) be punished with fine which may extend to five hundred rupees, and in the case of a continuing breach with fine which may extend to twenty rupees for every day during which the breach continues, after conviction for the first breach,

(*b*) be punished with fine which may extend to twenty rupees for every day during which the breach continues, after receipt of written notice from the Commissioner or any municipal officer duly authorised in that behalf to discontinue the breach,

(*c*) in addition to the imposition of such fine, be required to remedy the mischief so far as lies in his power.

## CHAPTER XXX.

### MISCELLANEOUS.

### *Public Notices and Advertisements.*

Public notices how to be made known.

**469.** Whenever it is provided by or under this Act that public notice shall or may be given of anything, such public notice shall, in the absence of special provision to the contrary, be in writing under the signature of the Commissioner or of a municipal officer empowered under section 69 to give the same, and shall be widely made known in the locality to be affected thereby, by affixing copies thereof in conspicuous public places within the said locality, or by publishing the same by beat of drum, or by advertisement in the local newspapers, or by any two or more of these means and by any other means that the Commissioner shall think fit.

Advertisements how to be made.

**470.** Whenever it is provided by or under this Act that notice shall be given by advertisement in the local newspapers, or that a notification or any information shall be published in the local newspapers, such notice, notification or information shall be inserted, if practicable, in at least two newspapers in such language or languages as the Corporation may from time to time specify in this behalf published or circulating in the City.

Consent, etc, of Corporation, etc. may be proved by written document.

**471.** (*1*) Whenever under this Act or any rule, by-law, regulation or standing order, the doing or the omitting to do anything or the validity of anything depends upon the consent, sanction, approval, concurrence, confirmation, declaration, opinion or satisfaction of—

(*a*) the Corporation, the Standing Committee, the Transport Committee or any other Committee;

(*b*) the Commissioner or the Transport Manager or any municipal officer,

a written document signed as provided in sub-section (*2*) purporting to convey or set forth such consent, sanction, approval, concurrence, confirmation, declaration, opinion or satisfaction shall be sufficient evidence of such consent, sanction, approval, concurrence, confirmation, declaration, opinion or satisfaction.

(*2*) The written document referred to in sub-section (*1*) shall be signed—

(*a*) when the authority concerned is the Corporation or the Standing Committee or any Committee other than the Transport Committee, by the Municipal Secretary on behalf of such authority ;

(*b*) when the authority concerned is the Transport Committee, by the Chairman of that Committee ;

(*c*) when the authority concerned is the Commissioner, the Transport Manager or any municipal officer, the Commissioner, the Transport Manager or such municipal officer, as the case may be.

*Service of Notices, etc.*

Notices, etc. by whom to be served or presented.

**472.** Notices, bills, schedules, summonses and other such documents required by this Act or by any rule, regulation or by-law to be served upon or issued or presented or given to any person, shall be served, issued, presented or given by municipal officers or servants or by other persons authorized by the Commissioner in this behalf.

Service how to be effected on owners of premises and other persons.

**473.** When any notice, bill, schedule, summons or other such document is required by this Act, or by any rule, regulation or by-law to be served upon or issued or presented to any person such service, issue or presentation shall, except in the cases otherwise expressly provided for in section 474, be effected—

(*a*) by giving or tendering to such person the said notice, bill, schedule, summons or other document ; or

(*b*) if such person is not found, by leaving the said notice, bill, schedule, summons or other document at his last known place of abode in the City, or by giving or tendering the same to some adult member or servant of his family, or by leaving the same at his usual place of business, if any, or by giving or tendering the same to some adult employee, if any, of his at such place ; or

(*c*) if such person does not reside in the City and his address elsewhere is known to the Commissioner by forwarding the said notice, bill, schedule, summons or other document to him by post under cover, bearing the said address ; or

(*d*) if none of the means aforesaid be available, by causing the said notice, bill, schedule, summons or other document to be affixed on some conspicuous part of the building or land, if any, to which the same relates.

Service on owner or occupier of premises how to be effected.

**474.** When any notice, bill, schedule, summons, or other such document is required by this Act, or by any rule, regulation or by-law, to be served upon or issued or presented to the owner or occupier of any building or land, it shall not be necessary to name the owner or occupier therein, and the service, issue or presentation thereof shall be effected, not in accordance with the provisions of the last preceding section, but as follows, namely—

(*a*) by giving or tendering the said notice bill, schedule, summons or other document to the owner or occupier, or if there be more than one owner or occupier, to any one of the owners or occupiers of such building or land ; or

(*b*) if the owner or occupier or no one of the owners or occupiers is found, by giving or tendering the said notice, bill, schedule, summons or other document to some adult member or servant of the family of the owner or occupier or of any of the owners or occupiers ; or

(*c*) if none of the means aforesaid be available by causing the said notice, bill, schedule, summons or other document to be affixed on some conspicuous part of the building or land to which the same relates.

Sections 472, 473 and 474 inapplicable to Magistrate's summons.

**475.** Nothing in sections 472, 473 and 474 applies to any summons issued under this Act by a Magistrate.

Signature on notices, etc. may be stamped.

**476.** (*1*) Every licence, written permission, notice, bill, schedule, summons or other document required by this Act or by any rule, regulation or by-law to bear the signature of the Commissioner or of any municipal officer shall be deemed to be properly signed if it bears a facsimile of the signature of the Commissioner or of such municipal officer, as the case may be, stamped thereupon.

(*2*) Nothing in this section shall be deemed to apply to a cheque drawn upon the Municipal Fund or upon the Transport Fund under any of the provisions of this Act, or to any deed of contract.

Power of Commissioner to call for information as to ownership of premises.

**477.** (*1*) The Commissioner may, in order to facilitate the service, issue, presentation, or giving of any notice, bill, schedule, summons or other such document upon or to any person by written notice require the owner or occupier of any premises, or of any portion thereof to state in writing, within such period as the Commissioner may specify in the notice, the nature of his interest therein and the name and address of any other person having an interest therein, whether as freeholder, mortgagee, lessee or otherwise, so far as such name and address is known to him.

(*2*) Any person required by the Commissioner in pursuance of sub-section (*1*) to give the Commissioner any information shall be bound to comply with the same and to give true information to the best of his knowledge and belief.

*Unauthorised works.*

Work or thing done without written permission of the Commissioner to be deemed unauthorised.

**478.** (*1*) If any work or thing requiring the written permission of the Commissioner under any provision of this Act or any rule, regulation or by-law is done by any person without obtaining such written permission or if such written permission is subsequently suspended or revoked for any reason by the Commissioner, such work or thing shall be deemed to be unauthorised and, subject to any other provision of this Act, the Commissioner may at any time, by written notice, require that the same shall be removed, pulled down or undone, as the case may be, by the person so carrying out or doing. If the person carrying out such work or doing such thing is not the owner at the time of such notice then the owner at the time of giving such notice shall be liable for carrying out the requisitions of the Commissioner.

(*2*) If within the period specified in such written notice the requisitions contained therein are not carried out by the person or owner, as the case may be, the Commissioner may remove or alter such work or undo such thing and the expenses thereof shall be paid by such person or owner, as the case may be.

*Enforcement of orders to execute works, etc.*

Works, etc. which any person is required to execute may in certain cases be executed by Commissioner at such person's cost.

**479.** (*1*) Subject to the provisions of this Act and of the rules, by-laws, regulations and standing orders, when any requisition or order is made under any provision of this Act or of any rule, by-law, regulation or standing order by written notice by the Commissioner, or by any municipal officer duly empowered in this behalf, a reasonable period shall be prescribed in such notice for carrying such requisition or order into effect, and if, within the period so prescribed, such requisition or order or any portion of such requisition or order is not complied with, the Commissioner may take such measures or cause such work to be executed or such thing to be done as shall, in his opinion, be necssary for giving due effect to the requisition or order

so made; and, unless it is in this Act otherwise expressly provided, the expenses thereof shall be paid by the person or by any one of the persons to whom such requisition or order was addressed.

(*2*) The Commissioner may take any measure, execute any work or cause anything to be done under this section, whether or not the person who has failed to comply with the requisition or order is liable to punishment or has been prosecuted or sentenced to any punishment for such failure.

Supply of materials.

**480.** On the written request of any person who is required under any of the provisions of this Act or of any rule, regulation or by-law to supply any materials or fittings, the Commissioner may, on such person's behalf, supply the necessary materials or fittings, or cause the necessary work to be done:

Provided that, where the provisions of section 441 or 442 will not apply, a deposit shall first of all be made by the said person of a sum which will, in the opinion of the Commissioner, suffice to cover the cost of the said materials, fittings and work.

*Legal Proceedings.*

Provisions respecting institution, etc., of civil and criminal actions and obtaining legal advice.

**481.** (*1*) The Commissioner may—

(*a*) take, or withdraw from proceedings against any person who is charged with—

(*i*) any offence against this Act or any rule, regulation or by-law;

(*ii*) any offence which affects or is likely to affect any property or interest of the Corporation or the due administration of this Act;

(*iii*) committing any nuisance whatever;

(*b*) compound any offence against this Act or any rule, regulation or by-law which under the law for the time being in force may legally be compounded;

(*c*) defend any election petition brought under section 16;

(*d*) defend, admit or compromise any appeal against a rateable value or tax brought under section 406;

(*e*) take, withdraw, from or compromise, proceedings under sub-section (*2*) of section 402, sub-sections (*3*) and (*4*) of section 439 and sections 391 and 416 for the recovery of expenses or compensation claimed to be due to the Corporation;

(*f*) withdraw or compromise any claim for a sum not exceeding five hundred rupees against any person in respect of a penalty payable under a contract entered into with such person by the Commissioner, or, with the approval of the Standing Committee, any such claim for any sum exceeding five hundred rupees;

(*g*) defend any suit or other legal proceedings brought against the Corporation or against the Commissioner or a municipal officer or servant in respect of anything done or omitted to be done by them, respectively, in their official capacity;

(*h*) with the approval of the Standing Committee, admit or compromise any claim, suit or legal proceeding brought against the Corporation or against the Commissioner or a municipal officer or servant, in respect of anything done or omitted to be done as aforesaid;

(*i*) with the like approval, institute and prosecute any suit or withdraw from or compromise any suit or any claim, other than a claim of the description specified in clause (*f*), which has been instituted or made in the name of the Corporation or of the Commissioner;

(*j*) obtain and pay for such legal advice and assistance as he may, from time to time, think it necessary or expedient to obtain or as he may be desired by the Corporation or the Standing Committee to obtain, for any of the purposes mentioned in the foregoing clauses of this sub-section or for securing the exercise or discharge of any power or duty vesting in or imposed upon any municipal authority or any municipal officer or servant :

Provided that the Commissioner shall not defend any suit or legal proceeding under clause (*g*) without first of all taking legal advice with regard thereto, and shall institute and prosecute any suit which the Corporation shall determine to have instituted and prosecuted.

(*2*) In relation to legal proceedings arising out of the acquisition, extension, administration, operation and maintenance of the Transport Undertaking the provisions of sub-section (*1*) shall apply as if for the word "Commissioner" the words "Transport Manager" and for the words "Standing Committee" the words "Transport Committee" had respectively been substituted.

*General.*

Councillors, etc., to be deemed to be public servants.

**482.** (*1*) The Commissioner and the Transport Manager and every councillor and every member of the Transport Committee who is not a councillor and every municipal officer or servant appointed under this Act, and every contractor or agent for the collection of any municipal tax and every servant or other person employed by any such contractor or agent shall be deemed to be a public servant within the meaning of section 21 of the Indian Penal Code.

XLV of 1860.

(*2*) For the purposes of sub-section (*1*) the word "government" in the definition of "legal remuneration" in section 161 of the Indian Penal Code shall be deemed to include the Corporation.

XLV of 1860.

Co-operation of Police, etc.

**483.** (*1*) The District Magistrate and the District Superintendent of Police having jurisdiction in the City shall, as far as may be, co-operate by themselves and through their subordinates, with the Commissioner for carrying into effect and enforcing the provisions of this Act and for the maintenance of good order in the City.

(*2*) It shall be the duty of every police officer in the City to communicate without delay to the proper municipal officer any information which he receives of a design to commit or of the commission of any offence against this Act or against any rule, regulation or by-law and to assist the Commissioner or any municipal officer or servant reasonably demanding his aid for the lawful exercise of any power vesting in the Commissioner or in such municipal officer or servant under this Act.

Assistance for the recovery of rent on land.

**484.** For the purpose of the recovery of any amount due on account of rent from any person to a Corporation in respect of any land vested in or otherwise held by such Corporation, the Corporation shall be deemed to be a superior holder and every such person an inferior holder of such land, within the meaning of sections 86 and 87 of the Bombay Land Revenue Code, 1879 ; and the Corporation as superior holder shall be entitled, for the recovery of every such amount, to all the assistance to which under the said sections a superior holder is entitled for the recovery of rent or land revenue payable to him by an inferior holder.

Bom. V of 1879.

Informalities and errors in assessments, etc., not to be deemed to invalidate such assessment, etc.

**485.** (*1*) Any informality, clerical error, omission or other defect in any assessment made or in any distress levied or attachment made or in any notice, bill, schedule, summons or other documents issued under this Act, or under any rule, regulation, by-law or standing order may at any time, as far as possible, be rectified.

(*2*) No such informality, clerical error, omission or other defect shall be deemed to render the assessment, distress, attachment, notice, bill, schedule, summons or other document invalid or illegal if the provisions of this Act and of the rules,

regulations, by-laws and standing orders have in substance and effect been complied with, but any person who sustains any special damage by reason of any such informality, clerical error, omission or other defect shall be entitled to recover compensation for the same by suit in a Court of competent jurisdiction.

Indemnity for acts done in good faith.

**486.** No suit, prosecution or other legal proceeding shall lie in respect of anything in good faith done or purported or intended to be done under this Act against any councillor or against any member of the Transport Committee who is not a councillor or against the Commissioner, the Transport Manager or any municipal officer or servant or against any person acting under and in accordance with the directions of the Corporation, any committee constituted under this Act, the Commissioner, the Transport Manager, any municipal officer or servant or of a Magistrate.

Protection of persons acting under this Act against suits.

**487.** (*1*) No suit shall be instituted against the Corporation or against the Commissioner, or the Transport Manager, or against any municipal officer or servant, in respect of any act done or purported to be done in pursuance or execution or intended execution of this Act or in respect of any alleged neglect or default in the execution of this Act :—

(*a*) until the expiration of one month next after notice in writing has been, in the case of the Corporation, left at the chief municipal office and, in the case of the Commissioner or of the Transport Manager or of a municipal officer or servant delivered to him or left at his office or place of abode, stating with reasonable particularity the cause of action and the name and place of abode of the intending plaintiff and of his attorney, advocate, pleader or agent, if any, for the purpose of such suit, nor

(*b*) unless it is commenced within six months next after the accrual of the cause of action.

(*2*) At the trial of any such suit—

(*a*) the plaintiff shall not be permitted to go into evidence of any cause of action except such as is set forth in the notice delivered or left by him as aforesaid ;

(*b*) the claim, if it be for damages, shall be dismissed if tender of sufficient amends shall have been made before the suit was instituted or if, after the institution of the suit, a sufficient sum of money is paid into Court with costs.

(*3*) Where the defendant in any such suit is a municipal officer or servant, payment of the sum or of any part of any sum payable by him in, or in consequence of the suit, whether in respect of costs, charges, expenses, compensation for damages or otherwise, may be made, with the previous sanction of the Standing Committee or the Transport Committee from the Municipal fund or the Transport Fund, as the case may be.

Savings in respect of certain provisions of Bombay Land Revenue Code, 1879.

**488.** Notwithstanding the provisions of sections 48, 65, 66 and 67 of the Bombay Land Revenue Code, 1879— Bom. V of 1879.

(*1*) the use of any land for any purpose to which it may lawfully be put under the provisions of this Act shall not be prohibited in exercise of the powers conferred by or under the said Code ;

(*2*) it shall be sufficient for any occupant of land assessed or held for the purpose of agriculture to show to the satisfaction of the Collector that he has complied with all the requirements of this Act and of the rules, regulations and bylaws to entitle such occupant to permission under section 65 of the said Code subject to the condition of the payment of altered assessment and fine, if any, for the use of his holding or part thereof for any purpose unconnected with agriculture.

Limitation of liability of agent or trustee of owner.

**489.** (*1*) No person who receives the rent of any premises in any capacity described in paragraph (*i*), (*ii*) or (*iii*) of sub-clause (*a*) of clause (*45*) of section 2 shall be liable to do anything which is by this Act required to be done by the owner, unless he have or, but for his own improper act or default, might have had sufficient funds of or due to the owner to pay for the same.

(*2*) The burden of proving the facts entitling any person to relief under sub-section (*1*) shall rest on such person.

(*3*) When any person has secured relief under sub-section (*1*) the Commissioner may, by written notice, require such person to apply to the discharge of any obligation which he would, but for such relief, be bound to discharge, the first moneys which shall come to his hand on behalf of or for the use of the owner, and any person who fails to comply with such notice shall be deemed to be personally liable to discharge such obligation.

(*4*) Nothing in this section shall be deemed to prevent the Commissioner from carrying out the necessary works and recovering the expenses from the actual owner.

## CHAPTER XXXI.

### Repeals and Amendments.

om. III of 1901. Bom. XVIII of 1925. Bom. VI of 1933.

Certain Acts to cease to apply to City.

**490.** The Bombay District Municipal Act, 1901, the Bombay Municipal Boroughs Act, 1925, and the Bombay Village Panchayats Act, 1933, shall cease to apply, except as hereinafter provided, to any area included in the City.

Amendment of certain enactments.

**491.** The enactments specified in the second column of Appendix III shall be amended to the extent specified in the third column thereof.

Bom. LXXX of 1948.

Repeal.

**492.** The Poona City and Poona Suburban Municipal Boroughs (Appointment of Municipal Commissioner) Act, 1948, is hereby repealed.

Transitory provisions

**493.** The provisions of Appendix IV shall apply to the constitution of the Corporation and other matters specified therein.

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## APPENDIX I.

(*See* Section 282.)

### Provisions of the Land Acquisition Act, 1894, regulating acquisition of land for improvement purposes.

*Part I*—Preliminary, except clauses (*e*) and (*f*) of section 3.
*Part II*—Acquisition, except sub-section (*1*) of section 4, section 6 and sub-section (*2*) of section 17.
*Part III*—Reference to Court and Procedure thereon, except sub-section (*2*) of section 23 and clauses (6) and (7) of section 24.
*Part IV*—Apportionment of compensation.
*Part V*—Payment.
*Part VI*—Temporary occupation of land.
*Part VIII*—Miscellaneous.

## APPENDIX II.

(*See* Section 392.)

### TABLE OF PENALTIES.

*Part I.*

| Sections, Sub-sections and Clauses. | Fine which may be imposed. |
|---|---|
| 309 (*2*), 311 (*e*), 311 (*f*), 311 (*g*) .. .. | Ten rupees. |
| 197 (*2*), 295, 334 (*2*), 373 (*1*), 374, 375, 376 (*6*) .. | Twenty rupees. |
| 172, 196 (*2*) proviso, 208, 227 (*3*), 228, 233 (*1*), 236 (*2*), 238 (*2*), 240, 246, 297, 330 (*1*), 333, 377 (*1*), 381, 384, 385, 386 (*5*). | Fifty rupees. |
| 60, 108 (*2*), 145 (*2*), 163, 164, 165, 168 (*1*) (*b*), 169 (*b*), 174, 184, 186, 187 (*1*), 187 (*2*), 199, 200, 212 (*2*), 223, 227 (*3*), 229 (*1*), 230 (*1*), 232, 239 (*1*), 241 (*1*), 243 (*1*), 244 (*1*), 244 (*3*), 248 (*1*), 251, 265 (*4*), 266, 298 (*5*), 308, 318, 319, 326, 335 (*1*), 366, 367, 368, 369, 379, 380, 382. | One hundred rupees. |
| 161, 178 (*1*), 179, 195 (*1*), 198, 226 (*1*), 226 (*2*), 226 (*4*), 242, 247 (*1*), 265 (*2*), 265 (*3*), 267 (*1*), 268 (*4*), 299 (*1*), 307 (*1*), 307 (*2*), 378 (*1*), 383, 417 (*3*). | Two hundred rupees. |
| 160 (*2*), 171 (*1*), 221 (*1*), 257, 261 (*1*), 263, 264 (*1*), 264 (*2*), 298 (*2*), 301 (*1*), 304 (*3*), 322, 325 (*1*), 376 (*1*). | Five hundred rupees. |
| 210 (*4*), 262, 269 (*7*), 313, 314, 331 (*2*) .. .. | One thousand rupees. |

*Part II.*

| Sections, Sub-sections and Clauses. | Daily fine which may be imposed. |
|---|---|
| 227 (*3*), 228, 297, 308, 375, 376 (*6*), 379, 381 .. | Five rupees. |
| 161, 163, 164, 165, 168 (*1*) (*b*), 169 (*b*), 172, 174, 184, 186, 187 (*1*), 187 (*2*), 195 (*1*), 200, 223, 226 (*2*), 226 (*4*), 229 (*1*), 230 (*1*), 232, 241 (*1*), 244 (*1*), 244 (*3*), 247 (*1*), 248 (*1*), 265 (*4*), 298 (*5*) 330 (*1*), 382, 384, 385, 386 (*5*). | Ten rupees. |
| 60, 198, 243 (*1*), 246, 265 (*2*), 265 (*3*), 267 (*1*), 268 (*4*), 307 (*1*), 307 (*2*), 383. | Twenty rupees. |
| 160 (*2*), 171 (*1*), 212 (*2*), 239 (*1*), 240, 266, 298 (*2*), 299 (*1*), 301 (*1*), 376 (*1*), 378 (*1*), 417 (*3*). | Fifty rupees. |
| 210 (*4*), 257, 263, 264 (*1*), 264 (*2*), 269 (*7*) .. | One hundred rupees. |
| 313, 314 ... ... .. .. | Five hundred rupees. |

## APPENDIX III.

(*See* Section 491.)

ENACTMENTS AMENDED.

| Number and Year. | Short Title | Amendments. |
|---|---|---|
| Bom. I of 1915 ... | The Bombay Town Planning Act, 1915. | In sub-section (*1*) of section 4, sub-section (*2*) of section 10, sub-section (*1*) of section 26, sub-section (*3*) of section 44 and sub-section (*3*) of section 45, for the words "the City of Bombay" the words "any area for which a municipal corporation is constituted under any enactment" shall be substituted. |
| Bom. V of 1925 ... | The Bombay Prevention of Adulteration Act, 1925. | 1. In clause (*c*) of section 2, for the words "the City of Bombay" the words "any area for which a municipal corporation is constituted under any enactment" shall be substituted.<br>2. In sub-section (*1*) of section 19 for the words "the City of Bombay after consultation with the Corporation of the City of Bombay" the words "any area for which a municipal corporation is constituted under any enactment after consultation with such corporation" shall be substituted. |
| Bom. XXXII of 1947. | The Lord Reay Maharashtra Industrial Museum Act, 1947. | 1. In sub-section (2) of section 6—<br>(1) for paragraph B the following revised paragraph shall be substituted, namely :—<br>"B. The following four ex-officio representatives of the Municipal Corporation of the City of Poona :—<br>(*i*) the Mayor, who shall be the Chairman,<br>(*ii*) the Chairman, Standing Committee,<br>(*iii*) the Chairman, Municipal School Board,<br>(*iv*) the Municipal Commissioner for the City of Poona";<br>(2) in paragraph C for the words "Poona City Borough Municipality" the words "Municipal Corporation of the City of Poona" shall be substituted.<br>2. In section 17 for the words "Bombay Municipal Boroughs Act, 1925, the Poona City Borough Municipality" the words "Bombay Provincial Municipal Corporations Act, 1949, the Municipal Corporation of the City of Poona" shall be substituted.<br>3. In [1][clause (*b*)] of sub-section (2) of section 21, for the words "Poona City Borough Municipality" the words "Municipal Corporation of the City of Poona" shall be substituted. |
| Bom. LVII of 1947 ... | The Bombay Rents, Hotel and Lodging House Rates Control Act, 1947. | In section 10A the following shall be added, namely :—<br>"(4) if the general tax levied under section 129 of the Bombay Provincial Municipal Corporations Act, 1949, in respect of any premises in any city exceeds the amount paid by any land lord to any local authority on account of a rate or tax on buildings, houses or lands in respect of such premises for the assessment period which included the 31st March 1949, there shall be deemed to be an increase in such rate or tax for the purpose of this section." |

[1] This word, brackets and letter were substituted for the word, brackets and figure "clause (*d*)" Bom. 9 of 1951, s. 3, Second Schedule.

APPENDIX III—*contd.*

| Number and Year. | Short Title. | Amendments. |
|---|---|---|
| [1][Bom. XX of 1948] | The Poona University Act, 1948. | In sub-section (*1*) of section 16, in clause (*iv*) of paragraph (A) in Class II—<br>(1) for sub-clause (*a*) the following shall be substituted, namely—<br>"(*a*) two members by the Municipal Corporation of the City of Poona";<br>(2) sub-clause (*b*) shall be deleted. |
| Bom. LXIX of 1948. | The Bombay Housing Board Act, 1948. | In section 25—<br>(1) in sub-section (*1*) for the the words and figures "Chapter XII-A of the City of Bombay Municipal Act, 1888", the words "any enactment for the time being in force for the constitution of a municipal corporation for any area in the Province of Bombay" shall be substituted,<br>(2) in sub-section (*2*) for the words and figures "the City of Bombay Municipal Act, 1888" the words "any such enactment as aforesaid" shall be substituted. |
| Bom. LXXIX of 1948. | The Bombay Shops and Establishments Act, 1948. | In clause (15) of section 2, for the words and figures "municipality constituted under the City of Bombay Municipal Act, 1888" the words "a municipal corporation constituted under any enactment for the time being in force or a municipality constituted under" shall be substituted. |

## APPENDIX IV.

### TRANSITORY PROVISIONS.

(*See* Section 493.)

*Part I : General.*

Construction of references in other enactment.

1. References in any enactment other than the Bombay District Municipal Act, 1901, the Bombay Municipal Boroughs Act, 1925, and the Bombay Local Fund Audit Act, 1930, in force on the date immediately preceding the appointed day in a City or in any rule, order, or notification, made or issued thereunder and in force on such date in the said City to municipal districts, municipal boroughs, municipalities or borough municipalities constituted under the Bombay District Municipal Act, 1901, or the Bombay Municipal Boroughs Act 1925, shall, unless a different intention appears, be construed as references to the City or to the Corporation of the said City, as the case may be, and such enactment, rule, order or notification shall apply to the said City or Corporation. Bom. III of 1901. Bom. XVIII of 1925. Bom. XXV of 1930. Bom. III of 1901.

Transfer of rights.

2. All rights of the municipality or any other local authority for the area which has been constituted to be a City shall on the appointed day vest in the Corporation constituted for the said area. Bom. XVIII of 1925.

Sums due.

3. All sums due to the said municipality or local authority for the area which has been constituted a City, whether on account of any tax or any other account, shall be recoverable by the Commissioner for the said City and for the purpose of such recovery he shall be competent to take any measure or institute any proceeding

[1] These words and figures were substituted for the words and figures "Bom. IX of 1948" by Bom. 9 of 1951, s. 3, Second Schedule.

which it would have been open to the authority of the said municipality or local authority to take or institute, if this Act had not come into operation and the said area had not been constituted to be a City.

Debts, obligations, contracts and pending proceedings.

4. (1) All debts and obligations incurred and all contracts made by or on behalf of the said municipality or local authority immediately before the appointed day and subsisting on the said day shall be deemed to have been incurred and made by the Commissioner for the said City in exercise of the powers conferred on him by this Act and shall continue in operation accordingly.

(2) All proceedings pending before any authority of the said municipality or local authority on the said day which under the provisions of this Act are required to be instituted before or undertaken by the Commissioner shall be transferred to and continued by him and all other such proceedings shall, so far as may be, be transferred to and continued by such authority before or by whom they have to be instituted or undertaken under the provisions of this Act.

(3) All appeals pending before any authority of the said municipality or local authority on the said date shall, so far as may be practicable, be disposed of as if the area was constituted to be a City when they were filed.

(4) All prosecutions instituted by or on behalf of the said municipality or local authority and all suits and other legal proceedings instituted by or against the said municipality, local authority or any officer of the said municipality or local authority pending on the said date shall be continued by or against the Commissioner or the Corporation for the said City, as the case may be, as if the area was constituted to be a City when such prosecution, suit or proceeding was instituted.

Continuation of appointments, taxes, budget estimates, assessments, etc.

5. Save as expressly provided by the provisions of this Appendix or by a notification issued under paragraph 22 or order made under paragraph 23,—

(*a*) any appointment, notification, notice, tax, order, scheme, licence, permission, rule, by-law, or form made, issued, imposed or granted under the Bombay District Municipal Act, 1901, or the Bombay Municipal Boroughs Act, 1925, or any other law in force in any local area constituted to be a City immediately before the appointed day shall, in so far as it is not inconsistent with the provisions of this Act, continue in force until it is superseded by any appointment, notification, notice, tax, order, scheme, licence, permission, rule, by-law, or form made, issued, imposed or granted under this Act or any other law as aforesaid as the case may be ;

Bom. III of 1901. Bom. XVIII of 1925.

(*b*) all budget estimates, assessments, valuations, measurements, and divisions made under the Bombay District Municipal Act, 1901, or the Bombay Municipal Boroughs Act, 1925, or any other law in force in any area constituted to be a City immediately before the appointed day shall in so far as they are consistent with the provisions of this Act, be deemed to have been made under this Act ;

Bom. III of 1901. Bom. XVIII of 1925.

(*c*) all officers and servants in the employ of the said municipality or local authority immediately before the appointed day shall be officers and servants employed by the Corporation under this Act and shall, until other provision is made in accordance with the provisions of this Act, receive salaries and allowances and be subject to the conditions of service to which they were entitled or subject on such date :

Provided that service rendered by such officers and servants before the appointed day shall be deemed to be service rendered in the service of the Corporation :

Provided further that it shall be competent to the Corporation to discontinue the services of any officer or servant who, in its opinion, is not necessary or suitable to the requirements of the municipal service, after giving such officer or servant

such notice as is required to be given by the terms of his employment and every officer or servant whose services are so discontinued, shall be entitled to such leave, pension or gratuity as he would have been entitled to take or receive on being invalided out if service of this Act had not been passed.

Provisions for Municipality or local authority which is superseded or dissolved.

6. Any reference in the above paragraphs to a municipality or a local authority shall, in case such municipality or local authority has been superseded or dissolved, be deemed to be a reference to the person or persons appointed to exercise the powers or to perform the functions of such municipality or local authority under any law relating to such municipality or local authority.

Special conditions for erection and re-erection of buildings, etc., in certain areas.

[1][6A. (1) Notwithstanding anything contained in this Act, until by-laws are made under section 458 or until the expiration of one year from the date on which any local area is constituted or included in a City under section 3, whichever is earlier, the Corporation may prescribe special conditions with respect to erection or re-erection of buildings, the maximum heights of buildings, roofs and external walls of buildings, set-backs of buildings and other matters relating to buildings in the area constituted or included in a City or any part thereof.

(2) No person shall erect or re-erect any building or commence the execution of any work in contravention of any such conditions.].

*Part II : Special Provisions relating to the City of Ahmedabad.*

Ahmedabad Borough Municipality to be deemed to be Corporation under this Act.

7. (1) On and from the appointed day in the case of the City of Ahmedabad the Ahmedabad Borough Municipality constituted under the Bombay Municipal Boroughs Act, 1925, shall be deemed to be the Corporation, the Standing Committee and the Bus Committee shall be deemed to be the Standing Committee and the Transport Committee respectively and the President and Vice-President of the said Municipality shall be deemed to be the Mayor and Deputy Mayor respectively under this Act and shall exercise the powers and perform the duties conferred and imposed by this Act on the Corporation, the Standing Committee, the Transport Committee, the Mayor and the Deputy Mayor, respectively. Bom. XVIII of 1925.

(2) The councillors of the Corporation so constituted shall continue in office until the expiry of two years from the date of the passing of this Act :

[2][Provided that the State Government may by notification in the *Official Gazette* extend the term of office of the councillors for such period, not exceeding in the aggregate two and half years from the date of the passing of this Act, as may be specified in the notification.]

[3][(3) If the office of any of the said councillors falls vacant after the coming into force of the Bombay Provincial Municipal Corporations (Amendment) Act, 1951, the vacancy shall not be filled up and no act or proceedings of the Corporation shall be questioned on account of any vacancy thereon.] Bom. XXVIII of 1951.

Corporation to appoint forthwith Standing Committee, Transport Committee, etc.

8. The Corporation constituted under sub-paragraph (1) of paragraph 7 shall forthwith appoint a Standing Committee, a Transport Committee and such Special Committees as it may deem necessary in accordance with the provisions of sections 20, 25 and 30.

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[1] This paragraph was inserted by Bom. 42 of 1950, s. 2.
[2] This proviso was added by Bom. 28 of 1951, s. 2 (*1*) (*a*).
[3] This sub-paragraph was substituted for the original, *ibid*, s. 2 (*1*) (b).

Temporary appointment of Commissioner.

9. The [1][State] Government may, pending the appointment of the Commissioner under section 36, appoint for such period as it thinks fit any person to act as the Commissioner. The Commissioner so appointed shall receive such monthly salary and allowances as the [1][State] Government may determine and shall exercise all the powers and perform all the functions and duties under this Act as are to be exercised and performed by the Commissioner appointed under section 36.

Commissioner to take steps to hold elections, etc.

10. (1) The Commissioner shall take steps to prepare the municipal election roll and hold general ward elections in accordance, as far as may be, with the provisions of this Act so as to ensure that the councillors elected at such elections shall assume office immediately on the expiry of the period of two years specified in sub-paragraph (2) of paragraph 7 [2][or the period extended under the proviso to the said sub-paragraph (2) of paragraph 7, as the case may be].

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[1] This word was substituted for the word "Provincial" by the Adaptation of Laws Order, 1950.
[2] These words, brackets and figures were inserted by Bom. 28 of 1951, s. 2 (2).

(2) For the purposes of the first elections held under this Act, any person who, if this Act had not come into operation in the City of Ahmedabad, would have been disqualified for being elected a councillor of the Ahmedabad Borough Municipality shall be deemed to be disqualified for being elected and for being a councillor under this Act.

(3) Every person who owns immovable property in the City of Ahmedabad which on the date immediately preceding the appointed day was assessed to any tax in the form of a rate on lands and buildings levied by the Ahmedabad Borough Municipality shall be deemed to have the requisite taxation qualification under sub-section (*3*) of section 8 for the purpose of enrolment in the first municipal election roll.

Chief Officer to vacate office.

11. The Chief Officer of the Ahmedabad Borough Municipality in office on the date immediately preceding the appointed day shall vacate office on the said day but it shall be competent for the Corporation to appoint him, with effect from the said day, to any appointment under it for which he is in its opinion qualified :

Provided that, unless the Chief officer is so appointed, he shall be given such leave, pension or gratuity as he would have received had he been invalided out of municipal service if this Act had not come into operation in the City.

Savings in respect of Bombay Local Fund Audit Act, 1930.

Bom. XXV of 1930.

12. The provisions of the Bombay Local Fund Audit Act, 1930, shall continue to apply in respect of the audit of the accounts of the Ahmedabad Borough Municipality for the period up to the date immediately preceding the appointed day and of all other matters connected with, or arising out of, such audit as if this Act had not come into operation :

Bom. XXV of 1930.

Provided that all references in the Bombay Local Fund Audit Act, 1930, to the President of the local authority or to the local authority shall be deemed to be references to the Commissioner.

Ahmedabad Municipal School Board to be deemed to be the Municipal School Board for the City.

Bom. LXI of 1947.

13. The Ahmedabad Municipal School Board in office on the date immediately preceding the appointed day shall be deemed to be the Municipal School Board for the City and shall continue in office until a new School Board is constituted by the nomination and election of members under sub-sections (*2*) and (*5*) of section 4 of the Bombay Primary Education Act, 1947, as soon as may be after the first general ward elections of councillors have been held and the councillors have taken office.

*Part III : Special Provisions relating to the City of Poona.*

Provision regarding the Commissioner.

Bom. LXXX of 1948.

14. (1) On and from the appointed day in the case of the City of Poona the Municipal Commissioner for the Poona City and Poona Suburban Municipal Boroughs appointed under section 3 of the Poona City and Poona Surburban Municipal Boroughs (Appointment of Municipal Commissioner) Act, 1948, and holding office on the date immediately preceding the appointed day shall be deemed to be the Commissioner appointed under section 36 and shall, subject to the provisions of sub-section (*3*) of the said section, hold office for the period for which he would have held the office of Municipal Commissioner for the Poona City and Poona Suburban Municipal Boroughs if this Act had not come into operation in the City of Poona.

(2) The Commissioner shall receive the same scales of salary and allowances as he was receiving as Municipal Commissioner for the Poona City and Poona Suburban Municipal Boroughs on the date immediately preceding the appointed day.

The Commissioner to exercise powers and perform duties of Corporation and Standing Committee.

15. Notwithstanding anything contained in this Act, the Commissioner shall exercise the powers and perform the duties of the Corporation and the Standing Committee under this Act and under any other law for the time being in force until general ward elections shall have been held in accordance with the provisions of this Act and the first meeting of the Corporation shall have been held.

Provincial Government may appoint advisory board.

16. (1) The Provincial Government may, by notification in the *Official Gazette*, appoint such number of persons, not exceeding twelve, as it deems fit to advise the Commissioner so long and in so far as he exercises the powers and performs the duties of the Corporation and the Standing Committee.

(2) The Commissioner shall from time to time in such manner as he considers suitable, including the convening of meetings of the persons so appointed, ascertain the views of the persons so appointed on all matters which, under the provisions of this Act, require to be done, sanctioned, approved or confirmed by the Corporation or the Standing Committee.

(3) If the Provincial Government so directs, the Commissioner shall refer for the decision of the Provincial Government any such matter in which he proposes to act otherwise than in accordance with the views of the majority of the persons so appointed, and shall thereafter act in accordance with such decision.

Commissioner to take steps to hold elections, etc.

17. (1) The Commissioner shall forthwith proceed to prepare the municipal election roll and hold general ward elections in accordance, as far as may be, with the provisions of this Act.

(2) For the purposes of the first elections held under this Act, any person who, if this Act had not come into operation, would have been disqualified for being elected a councillor of the Poona City Borough Municipality or the Poona Suburban Borough Municipality shall be deemed to be disqualified for being elected and for being a councillor under this Act.

(3) Every person who owns immovable property in the City which on the date immediately preceding the appointed day was assessed to a house tax or any tax in the form of a rate on lands and buildings levied by any local authority having jurisdiction in any portion of the City shall be deemed to have the requisite taxation qualification under sub-section (*3*) of section 8 for the purpose of enrolment in the first municipal election roll.

Savings in respect of Bombay Local Fund Audit Act, 1930.

18. The provisions of the Bombay Local Fund Audit Act, 1930, shall continue to apply in respect of the audit of the accounts of the Poona City Borough Municipality and the Poona Suburban Borough Municipality for the period up to the date immediately preceding the appointed day and of all other matters connected with, or arising out of, such audit as if this Act had not come into operation : Bom. XXV of 1930.

Provided that all references in the Bombay Local Fund Audit Act, 1930, to the President of the local authority or to the local authority shall be deemed to be references to the Commissioner. Bom. XXV of 1930.

Saving in respect of members of Court of Poona University representing Poona City and Poona Suburban Borough Municipalities.

19. The members of the Court of the Poona University elected by the Poona City Borough Municipality and the Poona Suburban Borough Municipality under section 16 of the Poona University Act, 1948, shall be deemed to have been elected by the Corporation and shall continue to hold office for the term for which they were originally elected. Bom. XX of 1948.

Bom. XXXII of 1947.

20. Notwithstanding the provisions of sub-section (*2*) of section 6 of the Lord Reay Maharashtra Industrial Museum Act, 1947, the representatives of the Corporation on the Board of Trustees of the Lord Reay Maharashtra Industrial Museum shall, until the Mayor and the Chairman of the Standing Committee have been elected and have taken office, consist of the Chairman of the Poona Municipal School Board and the Commissioner.

Temporary provision regarding representatives of Corporation on Board of Trustees of Lord Reay Maharashtra Industrial Museum.

21. The Poona City Municipal School Board in office on the date immediately preceding the appointed day shall be deemed to be the Municipal School Board for the City and shall continue in office until a new school board is constituted by the nomination and election of members under sub-sections (*2*) and (*5*) of section 4 of the Bombay Primary Education Act, 1947, as soon as may be after the first general ward elections of councillors have been held and the councillors have taken office.

Bom. LXI of 1947.

Poona City Municipal School Board to be deemed to be the Municipal School Board for the City.

[1][21A. Notwithstanding anything contained in this Act, in the areas specified in List I hereto appended, a general tax shall be levied on the classes of buildings and lands specified in column 1 of List II hereto appended, during the periods specified in the headings to columns 2 to 5 at the rates specified in the said columns against each class; and such rates shall not during such periods be liable to increase under section 150. Where no such rate has been specified in the said columns, the general tax shall be levied at the rate and in the manner provided under this Act;

Temporary provision regarding levy of general tax in certain areas included in the City of Poona.

Provided that all lands and buildings, situated in the areas specified in the said List I, the annual rateable value of which does not exceed rupees fifty shall be exempted from the levy of the general tax during the period from the 1st April 1954 to the 31st March 1956 (both inclusive).

LIST I.

*The areas of the following revenue villages included within the limits of the City of Poona.*

1. Bopodi.
2. Dhanori.
3. Lohogaon.
4. Vadgaon Sheri.
5. Ghorpadi.
6. Mundhwa.
7. Hadapsar.
8. Kondhwe Khurd.
9. Dhankavdi.
10. Hingane Budruk.
11. Kothrud.
12. Pashan.
13. Aundh.
14. Wanowarie.
15. Bibwewadi in Kasbe Poona, Revenue Survey Nos. 559 to 595; 598 to 695; 732 and 440.

[1] Paragraph 21A was inserted by Bom. 57 of 1953, s. 3.

LIST II.

| Classes of lands and buildings. | Period from the 1st April 1954 to 31st March 1956 (both inclusive). | Period from the 1st April 1956 to 31st March 1958 (both inclusive). | Period from the 1st April 1958 to 31st March 1960 (both inclusive). | Period from the 1st April 1960 to 31st March 1962 (both inclusive). |
|---|---|---|---|---|
| 1 | 2 | 3 | 4 | 5 |
| 1. The annual rateable value of which does not exceed Rs. 50. | *Nil.* .. .. | 6 per cent. of the rateable value. | 8 per cent. of the rateble value. | 10 per cent. of the rateable value. |
| 2. The annual rateable value of which exceeds Rs. 50 but does not exceed Rs. 500. | 6 per cent. of the rateable value. | 8 per cent. of the rateable value. | 10 per cent. of the rateable value. | |
| 3. The annual rateable value of which exceeds Rs. 500 but does not exceed Rs. 1,000. | 8 per cent. of the rateable value. | 10 per cent. of the rateable value. | | |
| 4. The annual rateable value of which exceeds Rs. 1,000, but does not exceed Rs. 2,000. | 10 per cent. of the rateable value. | | | |
| 5. The annual rateable value of which exceeds Rs. 2,000 but does not exceed Rs. 5,000. | 12 per cent. of the rateable value. | | | |
| 6. The annual rateable value of which exceeds Rs. 5,000. | 14 per cent. of the rateable value or the rate determined by the Corporation under section 99, whichever is less. | | | |

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*Part IV : Special Provisions relating to other cities.*

22. On any local area other than the cities of Ahmedabad and Poona being constituted to be a City under section 3, the [1][State] Government may, notwithstanding anything in this Act, by notification in the *Official Gazette* provide for such City—

(*a*) for the constitution of the following interim authorities and the exercise of powers and performance of functions and duties by the said authorities for such period as it thinks fit :—

(*i*) the Corporation,

(*ii*) the Standing Committee,

(*iii*) the Transport Committee,

(*iv*) the Mayor and Deputy Mayor,

(*v*) the Commissioner,

(*vi*) the Transport Manager ;

(*b*) the appointment of municipal officers and servants ; and

(*c*) such other matters as may be necessary for the proper and efficient conduct of the municipal administration of the City.

*Part V: Power to remove difficulties.*

Power to remove difficulties.

23. If any difficulty arises in giving effect to the provisions of this Act or, by reason of anything contained in this Act, to any other enactment for the time being in force, the [1][State] Government may, as occasion requires, by order do anything which appears to it necessary for the purpose of removing the difficulty :

Provided that no order shall be made under this paragraph after the expiry of one year from the appointed day.

1 This word was substituted for the word "Provincial" by the Adaptation of Laws Order, 1950.

## THE SCHEDULE.

(*See* Section 453.)

### CHAPTER I.

### ELECTION RULES.

*Municipal Election Roll.*

Preparation and revision of list of persons qualified to vote.

1. (1) At least eight months before the term of office of the councillors elected at a general election is due to expire under section 6, the Commissioner shall prepare and publish in accordance with sub-rule (8) a list of persons appearing to be entitled to be enrolled in the municipal election roll as voters of wards.

(2) The list of voters of wards shall be made in separate lists, called ward lists, one for each ward into which the City is divided containing the names of persons entitled to be enrolled as voters of that ward.

(3) In preparing the ward lists the Commissioner shall enter therein in alphabetical order under the heading of streets, the full names and addresses of the persons who are entitled to be enrolled under the provisions of sub-section (*1*) of section 8 :

Provided that where such person is—

(*i*) a company, the name of any individual member of such company authorised in that behalf,

(*ii*) a firm, the names of all the partners of such firm, registered under the Indian Partnership Act, 1932,

(*iii*) any other association or body of individuals, the name of the individual member of such association or body of individuals authorised by such association or body of individuals, or

(*iv*) an undivided Hindu family possessing the requisite business premises or taxation qualification, the names of all adult coparceners of such family,

shall be entered in such lists against the names of such company, firm, association, body of individuals or family, as the case may be.

(4) The Commissioner may, before preparing the list, by notice in writing call upon every owner of a building to furnish him with a list of all tenants who resided in or occupied such building during the qualifying period referred to in section 8.

(5) The Commissioner may also call upon by notice in writing any occupier of any building or other person to furnish such information as he may consider necessary for the preparation of the municipal election roll.

(6) Every person to whom a notice has been issued under sub-rule (4) or (5) shall furnish full and true information within fifteen days from the date of receipt of the notice.

(7) The Commissioner shall verify and scrutinize the particulars furnished under sub-rules (4) and (5) by a house to house inquiry or by taking such other steps as he may consider necessary.

(8) The Commissioner shall publish the list, prepared as aforesaid, by causing a printed copy thereof to be fixed for public inspection in a conspicuous position in the chief municipal office and at such other places as the Commissioner, with the approval of the Standing Committee, may fix and to be kept so fixed for a period of thirty days. Printed

copies thereof shall also be delivered to any person requiring the same on payment of such reasonable fee for each copy as shall from time to time be prescribed by the Commissioner.

(*9*) The Commissioner shall on or before the date on which the list is published under sub-rule (8) give notice by advertisement in the local newspapers of the publication and of the place at which and the fee for which copies of it may be obtained.

(*10*) Every person whose name is not in the list so published and who claims to have it inserted therein shall, within thirty days of the publication, give notice in writing of his claim to the Commissioner in such form as the Commissioner may prescribe.

(*11*) Every person whose name is in the list may object to any other person as not being entitled to have his name retained therein by giving to the Commissioner and also giving to the person objected to, or leaving at his last known place of abode, notice in writing of the objection and of the nature thereof within thirty days of the publication of the list.

(*12*) If the name of any person is entered as a voter in more than one ward list, he may, by notice in writing, which he shall give to the Commissioner within thirty days of the publication of the list, choose for which one of those wards he shall be entitled to vote.

(*13*) The Commissioner shall, within one hundred and five days of the publication of the list under sub-rule (8), revise the list.

(*14*) The Commissioner shall for this purpose hear the claims and objections which have been duly made as aforesaid in open office, giving three clear days' notice of the holding of the inquiry by written notice served upon each claimant and person objecting and upon each person objected to, and also fixed on some conspicuous place in the chief municipal office:

Provided that, if the Commissioner on examination of any claim considers that it may be allowed without further inquiry, notice to such claimant shall not be necessary. A notice which is required to be served under this sub-rule on any person shall be deemed to be served, if sent by post to the address of that person as given by him for the purpose, or as appearing in the list, or if there is no such address, to his last known place of residence.

(*15*) Within ninety days of the publication of the list under sub-rule (8), the Commissioner shall publish by affixing at some conspicuous place in the chief municipal office and at such other places as may have been fixed under sub-rule (8) a supplementary list containing the names of the claimants who appear to him to be entitled to be enrolled as voters; and shall give notice by advertisement in the local newspapers of the publication of the said list and of the place at which and the fee for which copies of it may be obtained. Within three days from the date of the said notice any person whose name is in the list or in the supplementary list may object to the name of any claimant being inserted in the list upon the ground that such claimant is not entitled to be enrolled as a voter. Such an objection shall be made in the manner provided in sub-rule (11) and shall be disposed of by the Commissioner in the manner provided in sub-rule (14).

(*16*) The Commissioner shall insert in the list the name of every person who has duly claimed to have his name inserted therein and whose claim is proved to the Commissioner's satisfaction.

(*17*) The Commissioner shall expunge from the list the name of every person proved to his satisfaction to be dead or not qualified to be enrolled and may correct any clerical error or omission in the list.

(*18*) Subject as aforesaid, the Commissioner shall retain in the list the name of every person to whom objection has not been duly made.

(*19*) The Commissioner shall also retain therein the name of every person objected to, unless the objector appears by himself or by some other person duly authorised by him in this behalf in support of the objection.

(*20*) Where the objector so appears, the Commissioner shall require proof of the qualification of the person objected to and, if, within such reasonable time as the Commissioner, subject to the provision of sub-rule (23), fixes in this behalf, such person's qualification is not proved to his satisfaction, shall expunge his name from the list.

(*21*) The Commissioner shall not retain the name of one person in more than one ward list. If any person whose name has been entered in more than one ward list has not chosen as aforesaid, the Commissioner shall determine for which one of those wards he shall be entitled to vote.

(*22*) The Commissioner shall not enter the name of any individual more than once in any ward list notwithstanding the fact that such individual is entitled to have his name entered in such list in more than one capacity or possesses more than one of the requisite qualifications referred to in section 8.

(*23*) The Commissioner may adjourn the hearing of any matter under this rule from time to time so that no adjourned hearing be held after the expiry of one hundred and five days from the date of publication of the list under sub-rule (8).

Appeals against Commissioner's orders on revision of the list by whom to be heard.

2. (*1*) In the event of the Commissioner rejecting any claim, objection or choice duly made under rule 1, the claimant or objector or person aggrieved may, at any time within five days after such rejection, apply to the District Judge.

(*2*) Applications under sub-rule (1) shall be heard by an Assistant Judge or Civil Judge or by two or more such Judges appointed in this behalf by the District Judge and every Judge so appointed shall, within twenty-five days after receipt of such application and after such inquiry as he deems necessary, make such order for correcting the list or otherwise as shall seem to him fit, and his order shall be conclusive.

(*3*) Every Judge holding an inquiry under this rule may summon and enforce the attendance of witnesses and compel them to give evidence as if he were a Civil Court and he may also direct by whom the whole or any part of the costs of any such inquiry shall be paid.

(*4*) Costs awarded under sub-rule (3) shall be recoverable as if they had been awarded in a suit under the Code of Civil Procedure, 1908.

Completion of the Municipal Election Roll.

3. (*1*) When the list prepared as aforesaid has been revised by the Commissioner and corrected in compliance with any order passed in this behalf under rule 2, a printed copy thereof, signed by the Commissioner, shall be the Municipal Election Roll and shall come into operation one hundred and fifty days after the date on which the list was published under sub-rule (8) of rule 1 and continue in operation for a period of four years beginning on that day.

(2) The municipal election roll shall be divided and arranged in the same manner as the list from which it is made up. The separate ward lists, when completed, as hereinbefore provided, shall be called ward rolls. The ward rolls shall collectively be deemed to constitute the municipal election roll.

(3) Each ward roll shall be conclusive evidence for the purpose of determining whether any person is an elector in the ward to which such roll relates, and every person enrolled in such roll shall be deemed to be entitled to vote at a ward election.

(4) Printed copies of the municipal election roll shall be delivered to any person requiring the same, on payment of such reasonable fee for each copy as shall from time to time be prescribed by the Commissioner.

(5) If a municipal election roll is not made in due time, the municipal election roll in operation immediately before the time appointed for its preparation shall continue in operation until the new roll is made.

Preparation and revision of list for supplementary election rolls.

4. (1) Any person whose name is not on the municipal election roll and who claims to be entitled to be enrolled as a voter under the provisions of sub-section (1) of section 8 may on or before such date as the Commissioner may by public notice published in the local newspapers fix in any of the three years next succeeding the date on which the said roll came into operation under the provisions of sub-rule (1) of rule 3, give notice of his claim in writing to the Commissioner in such form as he may prescribe.

(2) The Commissioner shall hear the claims in the manner provided in sub-rule (14) of rule 1 and shall within sixty days of the date fixed under sub-rule (1) for giving notice publish by affixing at some conspicuous place in the chief municipal office a list containing the names of the claimants who appear to him to be entitled to be enrolled as voters, and shall give notice by advertisement in the local newspapers of the publication of the said list and of the place at which and the fee for which copies of it may be obtained.

(3) The said list shall be prepared in the same form as the list mentioned in sub-rules (2) and (3) of rule 1.

(4) Within three days from the date of publication of the said list, any person whose name is on the municipal election roll or in the said list may give notice in writing to the Commissioner objecting to the retention of the name of any person in the said list upon the ground that such person is not entitled to be enrolled as a voter, and shall also in such case give to such person, or leave at his last known place of residence, notice in writing of the objection and the nature thereof.

(5) The Commissioner shall thereafter dispose of all objections made under this section in the manner provided in sub-rule (14) of rule 1 and within seventy-five days of the date fixed under sub-rule (1) for giving notice shall revise the list prepared as aforesaid in the same manner as the list mentioned in rule 1, and for such purposes the procedure prescribed in sub-rules (16), (17), (18), (19), (20), (21) and (22) of rule 1 and in rule 2 shall be followed so far as may be required.

Completion of supplementary election rolls.

5. When the list prepared under rule 4 as aforesaid has been revised by the Commissioner and corrected in accordance with any order passed in that behalf under rule 2, a printed copy thereof, signed by the Commissioner, shall come into operation as a supplementary election roll one hundred and twenty days after the date fixed under sub-rule (1) of rule 4 for giving notice and shall thereafter be deemed to form part of the municipal election roll.

Consolidation of supplementary election rolls.

6. Notwithstanding anything contained in rules 4 and 5, the Commissioner may include in any supplementary election roll made as aforesaid the entries contained in any previous supplementary election roll made since the making of the last municipal election roll, and to the extent that such entries are included the previous supplementary election roll shall cease to have any operation.

*Elections of Councillors.*

Dates of nominations.

7. (*1*) The nomination of candidates for general ward elections of councillors shall be fixed by the Commissioner to take place on such days in the three months immediately preceding the date on which the term of office of the councillors elected at the last preceding general elections is due to expire under section 6 as he shall think fit.

(*2*) The nomination of candidates for elections to fill casual vacancies shall be fixed by the Commissioner to take place on such days as he shall think fit as soon as conveniently may be after the occurrence of the vacancies.

Notice to be given of day fixed for nomination of candidates for ward elections.

8. Fifteen days at least before the day fixed for the nomination of candidates for a ward election notice thereof shall be given by the Commissioner. Such notice shall be given by advertisement in the *Official Gazette* and in the local newspapers and by posting placards in conspicuous places in the ward for which such election is to take place.

Provisions regarding nomination of candidates.

9. (*1*) Candidates for election at a ward election must be duly nominated in writing in accordance with the provisions hereinafter contained.

(*2*) With respect to such nominations, subject to sub-rule (*3*), the following provisions shall have effect, namely—

(*a*) nomination papers shall be in Form A;

(*b*) the Commissioner shall provide printed forms of nomination papers, and any person entitled to vote at the election shall be supplied, at any time within seven days previous to the day fixed for the nomination of candidates and up to four o'clock in the afternoon on such day, with as many such forms as may be required, free of charge;

(*c*) each nomination paper must state the name, abode and description of the candidate in full, and be subscribed by two persons entitled to vote at the election as proposer and seconder and must bear the signature of the person nominated in token of his willingness to be so nominated;

(*d*) every nomination paper subscribed and signed as aforesaid must be delivered at the Commissioner's office before five o'clock in the afternoon of the day fixed for the nomination of candidates;

(*e*) each candidate must be nominated by a separate nomination paper, but any person entitled to vote at the election may subscribe as many nomination papers as there are vacancies to be filled, but no more;

(*f*) The Commissioner shall on receiving a nomination paper enter in the nomination paper its serial number and shall sign thereon a certificate stating the date on which and the hour at which the nomination paper has been delivered to him;

(*g*) if any person subscribes more nomination papers than there are vacancies to be filled, the nomination papers received after the receipt of the maximum number permissible under clause (*e*) shall be deemed to be invalid;

(*h*) if any person nominated—

(i) is not enrolled in the municipal election roll as voter of a ward,

(ii) has not made or caused to be made the deposit referred to in sub-rule (1) of rule 10, or

(iii) is disqualified under any provision of this Act for being a councillor,

the Commissioner shall declare such person's nomination invalid;

(*i*) if there is no valid nomination, it shall be deemed that no councillor has been elected and proceedings for filling the vacancy or vacancies shall be taken under section 18;

(*j*) if the number of valid nominations is less than that of the vacancies, the persons nominated shall be deemed to be elected, and for the remaining vacancy or vacancies, it shall be deemed that no councillor has been elected, and proceedings for filling such vacancy or vacancies shall be taken under section 18;

(*k*) if the number of valid nominations is the same as that of the vacancies, the persons nominated shall be deemed to be elected;

(*l*) if the number of valid nominations exceeds that of the vacancies, the election of councillors shall be made from among the persons nominated, and such election shall be termed " a contested election ":

Provided that if any candidate validly nominated dies or signifies in writing to the Commissioner not later than seven days after the day appointed for the nomination of candidates his intention not to contest the election, then, if the remaining number of valid nominations is less than or the same as that of the vacancies, the remaining candidates validly nominated shall be deemed to be elected:

Provided further that a candidate who has withdrawn his candidature shall not be allowed to cancel the withdrawal or to be renominated as a candidate for the same election;

(*m*) if, when two or more ward elections are held simultaneously for different wards, any person is deemed, under clause (*i*) or clause (*j*), to be elected a councillor for more than one ward, he shall, within twenty-four hours after receipt of written notice thereof from the Commissioner, choose, by writing signed by him and delivered to the Commissioner, or, in his default, the Commissioner shall, when the time for choice has expired, declare for which one of these wards he shall serve; the choice or declaration so made shall be conclusive, and such person's nomination for the ward or wards for which he is not to serve shall be deemed to be null and void;

(*n*) if, when ward elections are held as aforesaid, any person who is deemed, under clause (*i*) or clause (*j*), to be elected a councillor for any one or more wards, has also been duly nominated for any one or more wards for which the number of nominations exceeds that of the vacancies, he shall within twenty-four hours after receipt of written notice thereof from the Commissioner choose, by writing signed by him and delivered to the Commissioner, whether he shall serve for the ward, or for any one of the wards for which he is elected, or will stand as a candidate at the contested election or elections for the other ward or wards. In his default, the Commissioner shall, when the time for choice has expired, declare that he shall serve for the ward or for some one of the wards for which he is elected, and his nomination for any other ward shall be deemed to be null and void. If such person chooses, by writing as aforesaid, to stand as a candidate at the contested election or elections, his nomination for the ward or wards for which he is elected shall be deemed to be null and void. Any choice or declaration made under this clause shall be conclusive.

(*3*) No councillor shall be deemed under sub-rule (2) to have been elected for a seat reserved for Harijans in any ward unless he is a Harijan and in respect of any such seat the following further provisions shall apply, namely—

(*a*) if for any vacancy of a seat reserved for Harijans there is no validly nominated candidate eligible to fill such seat, it shall be deemed that no

councillor has been elected, and proceedings for filling the vacancy shall be taken under section 18;

(*b*) if for any such vacancies the number of validly nominated candidates so eligible is less than that of the vacancies, such candidates shall be deemed to be elected, and for the remaining vacancy or vacancies it shall be deemed that no councillor has been elected and proceedings for filling such vacancy or vacancies shall be taken under section 18;

(*c*) if for any such vacancies the number of validly nominated candidates so eligible is equal to that of the vacancies, such candidates shall be deemed to be elected;

(*d*) if any candidate validly nominated as eligible dies or signifies in writing to the Commissioner not later than seven days after the date appointed for the nomination of candidates his intention not to contest the election, then, if the remaining number of validly nominated candidates so eligible is less than or the same as that of the vacancies, the remaining validly nominated candidates so eligible shall be deemed to be elected.

Deposit by candidates.

10. (*1*) On or before the date appointed for the nomination of candidates for a ward election, each candidate shall deposit or cause to be deposited with the Commissioner the sum of one hundred rupees in cash or in Government securities of equal value at the market rate of the day, and no candidate shall be deemed to be duly nominated unless such deposit has been made.

(*2*) The deposit shall be returned if—

(*a*) the candidate is declared or is deemed to be duly elected,

(*b*) the candidate signifies his intention in writing to the Commissioner not later than seven days after the day appointed for the nomination of candidates not to contest the election.

(*c*) the nomination of the candidate is declared invalid,

(*d*) the candidate dies, after the scrutiny of nomination papers and before the commencement of the poll, or

(*e*) the candidate fails to be elected but secures valid votes in excess of the number specified in sub-rule (4).

(*3*) The deposit shall be returned to the person by whom it was made. If a candidate dies before the day fixed for the poll, the deposit, if made by him, shall be returned to his legal representative or, if not made by the candidate, shall be returned to the person by whom it was made.

(*4*) If a candidate is not elected and if the number of valid votes polled by him does not exceed one-eighth of the total number of valid votes polled divided by the number of councillors to be elected in the ward for which the candidate is nominated, the deposit shall be forfeited to the Corporation.

(*5*) The deposit shall, if it is not forfeited, be returned as soon as may be after the declaration of the result of the election under rule 39:

Provided that if a candidate is duly nominated at a general election in more than one ward, not more than one of the deposits made by him or on his behalf shall be returned and the remainder shall be forfeited to the Corporation.

Poll to be taken when a ward election is contested and names of validly nominated candidates to be published.

11. (*1*) When a ward election is contested, a poll shall be taken on such date, not less than twenty-one days after the day appointed for the nomination of candidates as the Commissioner may fix. At such poll, the municipal election roll which was in operation on the day appointed for the nomination of candidates shall be deemed to be the roll to which reference must be made for the purposes of the election.

(2) At least three days before the day of the poll, the Commissioner shall cause the names of all persons validly nominated, with their respective abodes and descriptions, to be published in the *Official Gazette* and in the local newspapers.

Provisions respecting contested ward elections.

12. With respect to the contested ward elections the following provisions shall have effect, namely :—

(*a*) votes shall be given by ballot and in person ; no votes shall be received by proxy ;

(*b*) no votes shall be received for any candidate whose name has not been published by the Commissioner under sub-rule (2) of rule 11 as having been validly nominated ;

(*c*) no votes shall be received from any person whose name is not enrolled in the ward roll as a voter of the ward for which the election is being held ;

(*d*) when the name in a ward roll is that of a company, firm, association, body of individuals or an undivided Hindu family, all the persons whose names are entered against such company, firm, association, body of individuals or undivided Hindu family in the ward roll shall be entitled to vote ;

(*e*) every elector shall be entitled to give as many votes as there are councillors to be elected at such election for such ward but no elector shall give more than one vote to any one candidate ;

(*f*) in respect of a vacancy or vacancies which is or are reserved for Harijans the person or persons not exceeding the number of such vacancies who has or have the greatest number of valid votes from amongst the persons eligible to fill such vacancy or vacancies shall be deemed to be elected, and in respect of vacancies not so reserved the person, or where there are more than one councillors to be elected, the persons not exceeding the number of such vacancies other than any person deemed to be elected in a vacancy reserved for Harijans who have the greatest number of valid votes shall be deemed to be elected ;

(*g*) where an equality of votes is found to exist between any candidates and the addition of a vote would entitle any of these candidates to be declared elected, the determination of the person or persons to whom such additional vote shall be deemed to have been given shall be made by lot to be drawn in the presence of the Commissioner in such manner as he shall determine ;

(*h*) if a candidate is elected councillor for more than one ward, he shall, within three days after receipt of written notice thereof from the Commissioner, choose, by writing signed by him and delivered to the Commissioner, or in his default the Commissioner shall, when the time for choice has expired, declare for which of the wards he shall serve and the choice or declaration shall be conclusive ;

(*i*) when any such choice or declaration has been made, the votes recorded for the candidate aforesaid in any ward for which he is not to serve shall be deemed not to have been given and the candidate, if any, who but for the said votes would have been declared to have been elected for such ward shall be deemed to have been elected for the same ;

(*j*) the Commissioner shall, as soon as may be, declare the result of the poll, specifying the total number of valid votes given for each candidate and shall cause lists to be prepared for each ward, specifying the names of all candidates, and the number of valid votes given to each candidate ; in

accordance with such rules as the Commissioner may frame for the purpose and on payment of such fee as may be prescribed by him a copy of such list shall be supplied to any candidate of the ward and shall be available for inspection to any voter of the ward.

*Voting in Ward Elections.*

Hours of commencement and close of poll.

13. The Commissioner shall fix the hour at which polling shall commence and the hour at which it shall close on the date fixed under rule 11 for taking a poll.

Polling stations and presiding officers.

14. (*1*) The Commissioner shall select for each ward as many polling stations as he thinks necessary and shall publish, in such manner as he deems sufficient, a list showing the polling stations so selected and the polling areas for which they have respectively been selected.

(*2*) The Commissioner shall appoint a presiding officer for each polling station and such other persons, hereinafter referred to as polling officers, to assist the presiding officer as he thinks necessary.

(*3*) Each polling officer may, if so directed by the presiding officer, perform all or any of the duties assigned to a presiding officer under these rules.

(*4*) If the presiding officer, owing to illness or other unavoidable cause, is obliged to absent himself from a polling station, his duties shall be performed by one of the polling officers, who shall be duly authorised in this behalf by the Commissioner.

Duties of presiding officer.

15. (*1*) The presiding officer shall keep order at the polling station, shall see that the election is fairly conducted, shall regulate the number of electors to be admitted at one time, and shall exclude all other persons except—

(*a*) the polling officers, the candidates and one agent of each candidate (hereinafter referred to as the polling agent) appointed in writing by the candidate and authorised in this behalf by the Commissioner.

(*b*) the polling officers or other public servants on duty , and

(*c*) such other persons as the presiding officer may from time to time admit for the purpose of identifying electors.

(*2*) The presiding officer shall close the polling station at the hour fixed in that behalf under rule 13, so as to prevent the admission thereto of any elector after that hour.

Removal from polling station for misconduct.

16. If any person misconducts himself at a polling station or fails to obey the lawful orders of the presiding officer or the polling officer performing the duties of the presiding officer he may immediately, by order of the presiding officer or such polling officer, be removed from the polling station by any police officer or by any other person authorised in writing by the presiding officer or such polling officer to remove him; and the person so removed shall not, unless with the permission of the presiding officer or such polling officer, be allowed again to enter the polling station during the day:

Provided that this power shall not be exercised so as to prevent any elector who is otherwise entitled to vote at any polling station from having an opportunity of voting at such polling station.

Issue of ballot paper.

17. No ballot paper shall be issued after the closing hour fixed under rule 13, but any elector who has received his ballot paper before that hour shall be allowed a reasonable opportunity to record his vote.

Voting compartment.

18. Each polling station shall be furnished with such number of compartments, in which electors can record their votes screened from observation, as the Commissioner thinks necessary.

Supply of election materials and ballot boxes.

19. The Commissioner shall provide at each polling station materials sufficient for the purpose of enabling electors to mark the ballot papers, as many ballot boxes as may be necessary, and copies of the election roll or of such part thereof as contains the names of the electors entitled to vote at such polling station.

Sealing of ballot boxes.

20. Every ballot box shall be so constructed that the ballot papers can be introduced therein, but cannot be withdrawn therefrom, without the box being unlocked. The presiding officer at any polling station, immediately before the commencement of the poll, shall show the ballot box empty to such persons as may be present in such polling station, so that they may see that it is empty, and shall then lock it up and place his seal upon it in such manner as to prevent its being opened without breaking such seal, and shall place it in his view for the receipt of ballot papers and keep it so locked and sealed.

Procedure before ballot paper is delivered to elector.

21. Immediately before a ballot paper is delivered to an elector, the number, name and description of the elector, as stated in the election roll, shall be called out, and the number of the elector shall be entered on the counterfoil, and a mark shall be placed in a copy of the election roll against the number of the elector, to denote that he has received a ballot paper, but without showing the particular ballot paper which he has received. On the counterfoil shall be entered the name of the ward and the name or distinctive number of the polling station and the signature or thumb impression of the elector.

Voting.

22. The elector shall, on receiving the ballot paper, forthwith proceed to one of the compartments in the polling station, and there mark his paper, and fold it up so as to conceal his vote, and shall put his ballot paper, so folded up, into the ballot box. Every elector shall vote without undue delay and shall quit the polling station as soon as he has put his ballot paper into the ballot box.

Assistance to electors.

23. The presiding officer shall give such assistance as may be required to any elector who is by reason of infirmity or illiteracy unable to vote in the manner prescribed.

Identity of electors.

24. At any time before a ballot paper is delivered to an elector, the presiding officer or polling officer may, of his own accord, if he has reason to doubt the identity of the elector or his right to vote at such polling station, and shall, if so required by a candidate or polling agent, put to the elector the following questions :—

(*1*) Are you the person enrolled as follows (reading the whole entry from the roll) ? and

(*2*) Have you already voted at the present election in this ward ? and at a general election—

(*3*) Have you already voted at this election in any other ward ?

and the elector shall not be supplied with a ballot paper if he refuses to answer any one of the questions and unless he answers the first question in the affirmative, the second question in the negative, and, at a general election, the third question also in the negative.

Form of ballot paper.

25. (*1*) The ballot paper shall be in Form B.

(*2*) The ballot papers shall be serially numbered, the serial number being printed on the counterfoil and on the back of the ballot paper.

Tendered votes.

26. If the person representing himself to be a particular elector named on the election roll applies for a ballot paper after another person has voted as such elector, the applicant shall, after duly answering such questions as the presiding officer may ask, be entitled to mark a ballot paper in the same manner as any other elector. Such ballot paper (hereinafter referred to as a tendered ballot paper) shall, instead of being placed in the ballot box, be given to the presiding officer and endorsed by him with the name of the elector and his number on the election roll and the name of the ward to which the election roll relates, and shall be set aside in a separate packet and shall not be counted by the Commissioner. The name of the elector and his number on the election roll and the name or distinctive number of the polling station to which the election roll relates shall be entered in a list in Form C which shall bear the heading "Tendered Votes List". The person tendering such ballot paper shall sign his name and address thereon or, if he is unable to write, affix his thumb impression against the entry in that list.

Challenged votes.

27. If any polling agent declares and undertakes to prove that any person by applying for a ballot paper has committed the offence of personation, the presiding officer may require such person to enter in the list of challenged votes (which shall be in Form D) his name and address or, if he is unable to write, to affix his thumb impression thereto and may further require such person to produce evidence of identification. If such person, on being questioned in the manner provided in rule 24, answers the first question in the affirmative and the other questions in the negative, he shall be allowed to vote after he has been informed of the penalty for personation. The presiding officer shall make a note of the circumstances and of his decision on the list of challenged votes:

'Provided that a deposit of Rs. 20 may be demanded for each such challenge which shall be forfeited if, on inquiry, the challenge is found to be frivolous and not made in good faith.

Spoilt ballot papers.

28. An elector who has inadvertently dealt with his ballot paper in such a manner that it cannot conveniently be used as a ballot paper may, on delivering it to the presiding officer and satisfying him of the inadvertence, obtain another ballot paper in place of the spoilt ballot paper, and the latter shall, together with its counterfoil, be marked as cancelled by the presiding officer.

Voting by officers on duty at polling stations.

29. (*1*) A presiding officer, polling officer or polling agent who is on duty at a polling station at which he is not entitled to vote, shall, if he is certified by the Commissioner to be entitled to vote at the election for the ward in connection with which he is employed or for any other ward, be allowed to record his vote at that polling station. The name of the polling station at which he would otherwise have been entitled to vote shall be entered in the counterfoil of the ballot paper together with his number in the election roll for that ward in which that polling station is situate. A certificate issued under this rule shall be in Form E.

(*2*) Such ballot paper shall be placed in an envelope and sealed by the presiding officer and returned with the certificate referred to in sub-rule (*1*) to the Commissioner who shall cause such ballot paper to be included among the valid ballot papers of the appropriate ward.

Despatch of ballot papers.

30. The presiding officer of each polling station, as soon as practicable after the close of the poll, shall, in the presence of any candidates or polling agents who may be present, make up into separate parcels and seal with his own seal and the seal of such candidates or agents as may desire to affix their seal :—

(1) each ballot box in use at each polling station unopened but with the key attached ;
(2) the unused ballot papers ;
(3) the tendered ballot papers ;
(4) the spoilt ballot papers ;
(5) the marked copy of the election roll ;
(6) the counterfoils of the ballot papers ;
(7) the tendered votes list ; and
(8) the list of challenged votes ;

and shall after endorsing on each packet a description of its contents deliver such packets to the Commissioner.

Statement be sent to Commissioner with ballot papers.

31. The packets shall be accompanied by a statement in Form F made by the presiding officer, showing the number of ballot papers entrusted to him, and accounting for them under the heads of ballot papers in the ballot box, unused, spoilt and tendered ballot papers, and ballot papers dealt with under rule 29.

Postponement of poll; adjournment of poll.

32. Notwithstanding anything contained in this Act, the Commissioner may, for sufficient cause to be recorded in writing, postpone the date or extend the period fixed for polling. In emergencies such as disturbance of the public peace, the presiding officer may, with the previous approval of the Commissioner, close the poll and announce an adjournment of the poll to a subsequent day.

The subsequent date to which polling is postponed or adjourned shall be notified in such manner as the Commissioner thinks fit.

*Scrutiny and Counting of Votes and Declaration of Results.*

Appointment of date, time and place for counting of votes.

33. The Commissioner shall, as soon as may be practicable after the close of the poll, give notice in writing to all candidates of the date, time and place fixed by him for the counting of votes.

Who may be present at the counting of votes.

34. (*1*) No person shall be allowed to be present at the counting of votes except the Commissioner and such persons as he may appoint to assist him in counting the votes, the candidates, and one representative of each candidate authorised in writing by the candidate in this behalf.

(*2*) No person shall be appointed to assist in counting the votes who has been employed by or on behalf of any candidate for any purpose whatsoever connected with the election.

Procedure to be followed at the counting of votes.

35. On the day and at the time appointed under rule 33 the Commissioner shall proceed as follows :—

(*a*) the ballot box or boxes relating to each polling station or the envelopes containing the ballot papers, as the case may be, shall be opened one after another and the Commisioner shall take out the ballot papers therefrom, count them or cause them to be counted, and record the number thereof in a statement ; such statement shall not be shown to any candidate or representative of a candidate ;

(*b*) the Commissioner shall then mix together all the ballot papers so taken out and distribute them in convenient bundles to the persons appointed to assist in counting the votes;

(*c*) when the ballot papers have been so distributed, but not before, the Commissioner shall allow the candidates and their representatives reasonable opportunity to inspect, without handling, the ballot papers, and shall on every ballot paper which is wholly or partially rejected, endorse the word " rejected "; if any candidate or representative present questions the correctness of the rejection, he shall also record on the ballot paper, the grounds for the rejection. No candidate or representative shall be allowed to see the serial number on the back of any ballot paper;

(*d*) the Commissioner shall, as far as practicable, proceed continuously with the counting of the votes, and shall, during any necessary intervals during which the counting has to be suspended, place the ballot papers, packets, and other documents relating to the election under his own seal and the seals of such candidates or representatives as may desire to affix them, and shall cause adequate precautions to be taken for their safe custody;

(*e*) when the counting of the votes has been completed, the Commissioner shall, subject to the provisions of rule 12, forthwith declare the result of the election.

Grounds of rejection of ballot paper.

36. (*1*) A ballot paper shall be rejected if—

(*a*) the number of votes recorded thereon exceeds the number of seats to be filled;

(*b*) no vote is recorded thereon;

(*c*) more than one vote has been recorded against the name of any one candidate;

(*d*) it is void for uncertainty;

(*e*) it bears any mark by which the elector can be identified.

(*2*) The decision of the Commissioner as to the validity of a ballot paper shall be final, subject only to reversal on a election petition claiming the seat.

Verification.

37. The Commissioner shall not open the sealed packets of the tendered votes, the marked copy of the election roll or the counterfoils of the ballot papers. He shall verify the statement submitted by the presiding officer under rule 31 by comparing it with the number of counted ballot papers and rejected ballot papers, the spoilt ballot papers and the ballot papers dealt with under rule 29, the unused ballot papers in his possession and the tendered votes list, shall then reclose and reseal each packet which has been opened by him, and shall record on each packet a description of its contents and the date of the election to which it refers.

Return.

38. The Commissioner shall then prepare and certify a return setting forth:—

(1) the result of the verification referred to in rule 37,
(2) the names of the candidates for whom valid votes have been given,
(3) the number of valid votes given for each candidate,
(4) the name of the candidate elected,
(5) the number of votes declared invalid; and

(6) the number of tendered votes given, and shall permit any candidate or his representative duly authorised under rule 34 to take a copy or an extract from such return.

Declaration of results of elections.

39. (*1*) The result of every election shall be declared by fixing, as soon as may be after the election, in some conspicuous place in the chief municipal office, a notice certifying the names of the persons, if any, elected and, in the case of a contested election, the number of votes recorded for each candidate under the signature of the Commissioner.

(*2*) The names of the persons elected to be councillors shall be published, as soon as may be, in the *Official Gazette*.

*Disposal of Ballot Papers.*

Custody of election papers.

40. The Commissioner shall, after declaring the result, retain in his custody the packets and return referred to in rules 37 and 38 and all other documents relating to the election.

Production and inspection of election papers.

41. While in the custody of the Commissioner the packets of ballot papers, whether counted, rejected or tendered, of the counterfoils thereof, and of the marked copy of the election roll, shall not be opened and their contents shall not be inspected or produced except under the order of the Judge, but all other documents relating to the election shall be open to public inspection, subject to such conditions and to the payment of such fee as the Corporation may prescribe; and any person, on compliance with such conditions and on payment of such fee, shall be entitled to obtain a copy or copies thereof or of any part thereof.

Destruction of election papers.

42. The packets referred to in rule 41 and all other documents relating to the election shall be retained for a period of one year, and shall thereafter be destroyed, subject to any directions to the contrary given by the Judge.

*General Provisions.*

Power of Commissioner or presiding officer to overlook printing or clerical errors in election roll.

43. If a question arises for the decision of the Commissioner or a presiding officer under these rules whether an entry in the election roll relates to a particular person, the Commissioner or presiding officer, as the case may be, may, for reasons to be recorded in writing, decide that the entry does or does not relate to the said person, notwithstanding any clerical or printing errors therein.

Certain powers, etc. not to be delegated by Commissioner.

44. Notwithstanding anything contained in section 69, it shall not be lawful for the Commissioner to authorise any municipal officer or servant to exercise any of the powers or perform any of the functions conferred or imposed upon or vested in him by rules 3, 4 (1), 5, 7, 8, 9, 11, 12 and 39.

Powers of Commissioner in case of difficulty.

45. If any difficulty arises as to the holding of any election under this Act, the Commissioner may do anything not inconsistent with the Act or rules which appears to him to be necessary for the proper holding of the election.

Decisions given by Commissioner final.

46. Subject to the provisions of section 16 and rule 2, all decisions given by the Commissioner under the powers conferred on him by the rules in this Chapter shall be final.

## CHAPTER II.

### PROCEEDINGS OF THE CORPORATION, STANDING COMMITTEE, TRANSPORT COMMITTEE, ETC.

*Proceedings of the Corporation.*

Provisions regulating Corporation's proceedings.

1. (*a*) There shall be in each month at least one ordinary meeting of the Corporation which shall be held not later than the twentieth day of the month;

(*b*) the first meeting of the Corporation after general elections shall be held as early as conveniently may be on a day and at a time and place to be fixed by the Commissioner, and if not held on that day shall be held on some subsequent day to be fixed by the Commissioner;

(*c*) the day, time and place of meeting shall in every other case be fixed by the Mayor or in the event of the office of Mayor being vacant, or of the death or resignation of the Mayor or of his ceasing to be a councillor, or of his being incapable of acting, by the Deputy Mayor, or failing both the Mayor and the Deputy Mayor, by the Chairman of the Standing Committee;

(*d*) the Mayor or, in such event as aforesaid, the Deputy Mayor may, whenever he thinks fit, and shall upon a written requisition signed by not less than one fourth of the whole number of councillors or by not less than four members of the Standing Committee, call a special meeting, and every meeting of the Corporation shall, except for special reasons to be mentioned in the notice convening the meeting, be held in the chief municipal office;

(*e*) every meeting shall be open to the public, unless a majority of the councillors present thereat decide by a resolution which shall be put by the presiding authority, of his own motion or at the request of any councillor present, without previous discussion, that any inquiry or deliberation pending before the Corporation is such as should be held in private, and provided that the presiding authority may at any time cause any person to be removed who interrupts the proceedings;

(*f*) if at any time during a meeting it shall be brought to the notice of the presiding authority that the number of councillors present, inclusive of the presiding authority, falls short of one-third of the whole number of councillors, the presiding authority shall adjourn the meeting to some other day, fixing such time and place for the same as he shall think convenient, and the business which remains undisposed of at such meeting shall be disposed of at the adjourned meeting, or if the latter meeting should be again adjourned, at any subsequent adjourned meeting, whether there be a quorum present thereat or not;

(*g*) every meeting shall be presided over by the Mayor, if he is present at the time appointed for holding the same, and, if the office of Mayor is vacant or if the Mayor is absent, by the Deputy Mayor or, in the absence of the Deputy Mayor, by such one of the councillors present as may be chosen by the meeting to be chairman for the occasion;

(*h*) at least seven clear days' notice shall ordinarily be given of every meeting, other than an adjourned meeting, but in cases of urgency any

such meeting may be called, except for the purpose of considering an annual budget estimate, in pursuance of a written requisition signed by not less than four members of the Standing Committee, upon a notice of not less than three clear days; of adjourned meetings such previous notice shall be given as shall be practicable having regard to the period of the adjournment;

(*i*) every notice of a meeting shall specify the time and place at which such meeting is to be held and the business to be transacted thereat other than questions under section 44 and shall be given by the Municipal Secretary by advertisement in at least one local newspaper having a substantial circulation and, as far as practicable, a copy of such notice shall be sent by ordinary post to the last known address of every councillor;

(*j*) any councillor who desires at any meeting to bring forward any business, other than any questions under section 44, or to make any substantive proposition which is not already specified in the notice of such meeting, shall give written notice of the same to the Municipal Secretary at least three clear days before the day fixed for the meeting; and a supplementary announcement of the business or propositions, of which notice has been so given, shall be given by the said Secretary in a local newspaper not later than the day previous to the meeting;

(*k*) except at a meeting called on a requisition of urgency or at the discussion at any meeting of a budget-estimate, no business shall be transacted at any meeting other than the business specified in the notice published under clause (*i*) and any questions asked under section 44 or urgent business not specified in the said notice which the Standing Committee, Transport Committee or the Commissioner deem it expedient to bring before the meeting, and no substantive proposition shall be made or discussed which is not specified in the said notice or in the supplementary announcement, if any, published under clause (*j*) or which is not in support of the recommendation of the Standing Committee, Transport Committee or Commissioner with reference to any urgent business brought by any of those authorities respectively before the meeting:

Provided that no such urgent business as aforesaid shall be brought before any meeting, unless at least three-fourths of the councillors present at such meeting, such three-fourths being not less than one-fourth of the whole number of councillors, assent to its being brought forward thereat;

(*l*) at a meeting called on a requisition of urgency and during the discussion at any meeting of a budget estimate, no business shall be transacted and no substantive proposition shall be made or discussed which does not directly relate to the business for which the urgent meeting was called, or to the budget estimate, as the case may be; and no proposition involving any change in the taxes which the Standing Committee proposes to impose or the fares or charges which the Transport Committee proposes to levy or an increase or decrease of any item of expenditure in a budget-estimate, shall be made or discussed at any meeting at which such budget estimate is under consideration, unless such proposition is specified in the notice of the meeting published under clause (*i*) or in the supplementary announcement, if any, published

under clause (*j*) or unless, in the case of an adjourned meeting, each of the conditions mentioned in the proviso to clause (*m*) has been fulfilled ;

(*m*) any meeting may, with the consent of a majority of the councillors present, be adjourned from time to time to a later hour on the same day or to any other day, but no business shall be transacted and, except as is hereinafter provided, no proposition shall be discussed at any adjourned meeting other than the business or propositions remaining undisposed of at the meeting from which the adjournment took place:

Provided that at any adjourned meeting at which a budget estimate is under consideration a proposition involving any change such as is described in clause (*l*) may be made and discussed notwithstanding that such proposition is not one remaining undisposed of at the meeting from which the adjournment took place, if each of the following conditions has been fulfilled namely:—

(i) that written notice of such proposition has been given at the meeting from which the adjournment took place ;

(ii) that the adjournment has been for not less than two clear days ; and

(iii) that a special announcement of the proposition has been given by the Municipal Secretary (who shall be bound to give such announcement) in a local daily newspaper not later than the day previous to the adjourned meeting ;

(*n*) a minute of the names of the councillors present and of the proceedings at every meeting shall, on the day following the meeting, or as soon thereafter as may be, be drawn up and kept by the Municipal Secretary in a book to be provided for this purpose and shall be signed at, and by the presiding authority of, the next ensuing meeting ; and the said minute-book shall at all reasonable times be open at the chief municipal office to inspection by any councillor free of charge and by any other person on payment of a fee of eight annas ;

(*o*) every question other than the question whether the Standing Committee, Transport Committee or Commissioner shall be permitted to bring urgent business before a meeting without notice, shall be decided by a majority of votes of the councillors present and voting on that question, unless otherwise provided in or under this Act, the presiding authority having a second or casting vote when there is an equality of votes ;

(*p*) a declaration by the presiding authority that a proposition has been carried and an entry to that effect in the minute-book shall, unless a poll be demanded at the time of such declaration by not less than four councillors, be conclusive evidence of the fact, without proof of the number of votes given for or against the proposition ;

(*q*) when a poll is taken, the vote of each councillor present and voting upon the proposition shall be taken by tellers appointed by the presiding authority and the names of the councillors voting respectively for or against the proposition shall be recorded in the minute-book ;

(*r*) no resolution passed by the Corporation shall be modified or cancelled within three months after the passing thereof, except by a resolution supported by not less than one-half of the whole number of councillors or by such larger number of councillors as may be required

by this Act in any particular case and passed at a meeting whereof notice shall have been given fulfilling the requirements of clause (*h*) and setting forth fully the resolution which it is proposed to modify or cancel at such meeting and the motion or proposition for the modification or cancellation of such resolution.

Power to order withdrawal of councillor.

2. (*1*) The presiding authority shall preserve order and may direct any councillor whose conduct is in his opinion grossly disorderly to withdraw immediately from the meeting of the Corporation and such councillor shall do so forthwith and shall absent himself during the remainder of the day's meeting.

(*2*) If any councillor is ordered to withdraw a second time within fifteen days, the presiding authority may suspend such councillor from attending the meetings of the Corporation for such period not exceeding fifteen days as the presiding authority may fix and the councillor so directed shall absent himself accordingly:

Provided that the presiding authority may remit the period of suspension on apology being made to his satisfaction by the councillor under suspension:

Provided also that such suspension from the service of the Corporation shall not prevent any councillor from participating in the proceedings of any committee of which he is a member.

(*3*) The presiding authority may, in the case of grave disorder arising in a meeting, suspend the meeting for a period not exceeding three days.

*Proceedings of the Standing Committee.*

Provisions regulating the proceedings of the Standing Committee.

3. (*a*) There shall be a meeting of the Standing Committee once a week, and at such other times as shall be found necessary;

(*b*) the first meeting of each Standing Committee shall be held on a day and at a time to be fixed by the Commissioner, and if not held on that day shall be held on some subsequent day to be fixed by the Commissioner; and every subsequent meeting of the Standing Committee shall be held on such day and at such time as the said Committee from time to time determines;

(*c*) the Chairman of the Standing Committee shall, upon a written requisition signed by the Commissioner, call a special meeting of the said Committee within twenty-four hours for the transaction of any business which, in the opinion of the Commissioner, cannot be delayed until the next ordinary meeting of the said Committee;

(*d*) no business shall be transacted at a meeting of the Standing Committee unless at least five members are present from the beginning to the end of such meeting;

(*e*) every meeting of the Standing Committee shall be presided over by the Chairman, if the Chairman is present at the time appointed for holding the meeting, and if the Chairman is absent by such one of the members present as may be chosen by the meeting to be chairman for the occasion;

(*f*) every question shall, except as otherwise provided in this Act, be decided by a majority of votes of the members of the Standing Committee present and voting on that question, the presiding authority having a second or casting vote when there is an equality of votes;

(*g*) a sub-committee may elect a chairman of its meetings, and if no such chairman is elected or if he is not present at the time appointed for holding any meeting, the members of the sub-committee present shall choose one of its number to be chairman of such meeting:

(*h*) sub-committees may meet and adjourn as they think proper, but the Chairman of the Standing Committee may, whenever he thinks fit, and shall, upon the written request of not less than two members of a sub-committee, call a special meeting of such sub-committee ;

(*i*) questions at any meeting of a sub-committee shall be decided by a majority of votes of the members present, and in case of an equality of votes, the chairman of the meeting shall have a second or casting vote, but no business shall be transacted at any such meeting unless at least two-thirds of the members of the sub-committee are present from the beginning to the end thereof ;

(*j*) a minute shall be kept by the Municipal Secretary of the names of the members present and of the proceedings at each meeting of the Standing Committee and at each sub-committee's meetings in a book to be provided for this purpose, which shall be signed at, and by the presiding authority of, the next ensuing meeting.

*Proceedings of the Transport Committee.*

Meetings of Transport Committee.

4. (*a*) The Transport Committee shall meet for the despatch of business in the chief municipal office or at such other place as the Corporation may direct;

(*b*) there shall be a meeting of the Transport Committee once a fortnight and at such other times as shall be found necessary ;

(*c*) the first meeting of the Transport Committee shall be held on a day and at a time to be fixed by the Mayor and, if not held on that day, shall be held on some subsequent day to be fixed by the Mayor ; and every subsequent meeting of the Committee shall be held on such day and at such time as the Committee may from time to time determine;

(*d*) the Chairman of the Transport Committee may, whenever he thinks fit, and shall, upon a written requisition signed by the Commissioner or the Transport Manager, or by not less than three members of the Committee, within forty-eight hours of the receipt by him of the requisition, call a special meeting of the Committee for the transaction of any business ;

(*e*) no business shall be transacted at a meeting of the Transport Committee unless at least four members are present from the beginning to the end of meeting

(*f*) every meeting of the Transport Committee shall be presided over by the Chairman, if the Chairman is present at the time for holding the meeting, and, if the Chairman is absent, by such one of the members as may be chosen by the meeting to be chairman for the occasion ;

(*g*) every question shall, subject to the provisions of this Act, be decided by a majority of votes of the members of the Transport Committee present and voting on that question, the presiding authority having a second or casting vote when there is an equality of votes;

(*h*) the Transport Committee shall cause to be kept a minute of the names of the members present and of the proceedings at each meeting of the Committee in a book to be provided for this purpose, which shall be signed at, and by the presiding authority of, the next ensuing meeting after confirmation by the Committee at such meeting ;

*Questions.*

Right to ask questions.

5. (*1*) Any question concerning or connected with the administration of this Act or the municipal government of the City may be asked by a councillor subject to the following conditions:—

(*a*) not less than seven clear days' notice in writing specifying the question shall be given to the Municipal Secretary;

(*b*) no question shall be asked—

(i) which calls for an expression of opinion or for the solution of an abstract legal question or of a hypothetical proposition;

(ii) which concerns or is connected with, either directly or indirectly, any pending suit or proceedings, in any court of law or before any tribunal in any part of the Dominion of India;

(iii) which relates to the character or conduct of any municipal officer or servant except in his official or public capacity; or

(iv) which is, or by implication may be, defamatory of or which makes or implies a charge of a personal character against any person or community or section of any community.

(*2*) The Mayor shall disallow any question which is, in his opinion, in contravention of the provisions of sub-rule (1).

(*3*) If any doubt arises whether any question is or is not within the restrictions imposed by sub-rule (1) the Mayor shall decide the point and his decision shall be final.

(*4*) Unless otherwise directed by the presiding authority, every question shall be answered by the Commissioner at a meeting of the Corporation.

(*5*) The Commissioner shall not be bound to answer a question if, in his opinion, it cannot be answered without detriment to the interests of the Corporation or if it asks for information which has been communicated to him in confidence.

(*6*) If any question seeks information which is available in any printed record of the Corporation, it shall be sufficient for the Commissioner in his answer to invite attention to such record.

(*7*) The Transport Manager shall without unreasonable delay furnish the Commissioner with such information relating to the Transport Undertaking as he may require for the purpose of answering any question under this rule.

## CHAPTER III.

## METHOD OF APPOINTMENT OF CERTAIN MUNICIPAL OFFICERS AND SERVANTS AND THEIR DUTIES AND POWERS.

### I. *Method of appointment.*

Manner of making appointments.

1. Save in the case of temporary appointments made under sub-section (*7*) of section 45 and in the case of acting appointments made under section 58 no person shall be appointed to any of the posts the power of appointment to which vests in the Corporation unless he possesses the qualifications prescribed in this behalf under rule 3.

2. Before making an appointment to any post referred to in rule 1 applications shall be invited for such post by advertisement in the local newspapers and the applications received shall be scrutinised by the Commissioner who shall submit to the Corporation, through a committee

if so required by the Corporation, a list arranged in order of preference of such persons out of those who have applied as he considers qualified for the post:

Provided that, if the Corporation is of the opinion that any officer in municipal service possessing the qualifications prescribed under rule 3 is a fit person to be appointed to the post, it may appoint such officer to the post without following the procedure prescribed in this rule.

3. Subject to the provisions of this Act, the Corporation shall from to time prescribe the qualifications required for each post, the power of appointment to which vests in the Corporation, with the approval of the Provincial Government who may, in granting such approval, make such modifications in, or additions to, the qualifications prescribed by the Corporation as it deems fit.

4. In the case of appointments made by any authority other than the Corporation no person shall be appointed except in a temporary or provisional capacity for a period not exceeding six months, unless he possesses the qualifications specified in the regulations.

II. *Chief Auditor.*

5. (*1*) The Municipal Chief Auditor shall audit the accounts of the Corporation, as hereinafter provided, with the assistance of the assistant auditors, clerks and servants immediately subordinate to him.

(*2*) In the discharge of his functions under this rule the Municipal Chief Auditor shall—

(i) audit the accounts of expenditure from the revenue of the Corporation, expenditure on account of loan works and expenditure incurred out of special funds and shall ascertain whether moneys shown therein as having been disbursed were legally available for, and applicable to, the service or purpose to which they have been applied or charged, and whether the expenditure conforms to the authority which governs it;

(ii) audit the accounts of debt, deposit, sinking funds, advances, suspense and remittance transactions of the Corporation and report upon those accounts and upon the results of verification of the balances relating thereto.

(*3*) The Municipal Chief Auditor shall examine and audit the statement of accounts relating to the commercial services conducted in any department of the Corporation, including the balance sheets, where such accounts are maintained under the orders of the Corporation, the Standing Committee or the Transport Committee; and shall certify and report upon these accounts.

(*4*) The Municipal Chief Auditor shall, in consultation with the Standing Committee, and subject to any directions given by the Corporation, determine the form and manner in which his reports on the accounts of the Corporation shall be prepared and shall have authority to call upon any officer of the Corporation to provide any information necessary for the preparation of these reports.

6. (*1*) The Municipal Chief Auditor may make such queries and observations in relation to any of the accounts of the Corporation which he is required to audit and call for such vouchers, statements, returns and explanations in relation to such accounts as he may think fit.

(2) Every such query or observation as aforesaid shall be promptly taken into consideration by the officer or authority to whom it may be addressed and returned without delay with the necessary vouchers, documents or explanations to the Chief Auditor.

(3) The powers of the Municipal Chief Auditor with regard to disapproval of, and the procedure with regard to settlement of objections to, expenditure from the revenues of the Corporation shall be such as may be prescribed by regulations.

7. If the Municipal Chief Auditor considers it desirable that the whole or any part of the audit applied to any accounts which he is required to audit shall be conducted in the offices in which these accounts originate, he may require that these accounts, together with all books and documents having relation thereto, shall at all convenient times be made available in the said office for inspection.

8. The Municipal Chief Auditor shall have power to require that any books or other documents relating to the accounts he is required to audit shall be sent for inspection by him:

Provided that if the documents are confidential he shall be responsible for preventing disclosure of their contents.

9. The Municipal Chief Auditor shall have authority to frame rules, and to give directions on all matters relating to audit, particularly in respect of the method and the extent of audit to be applied and the raising and pursuing of objections.

10. Sanctions to expenditure accorded by the Municipal Chief Auditor shall be audited by an officer to be nominated by the Corporation.

## CHAPTER IV.

### Essential Services.

*Class I.*

(*a*) Scavenging or cleansing streets or premises,
(*b*) maintaining, repairing, cleansing or flushing drains,
(*c*) removing or disposing of excrementitious or polluted matter from houses, latrines, privies, urinals or cesspools,
(*d*) removing carcasses,
(*e*) preventing nuisances generally.

*Class II.*

(*a*) Fire brigade service,
(*b*) services in connection with the maintenance or service of any municipal water works, drains, pumping stations or fire hydrant, including—
(i) Inspectors,
(ii) Sub-Inspectors,
(iii) Foremen,
(iv) Mechanics,
(v) Drivers,
(vi) Watchmen,
(vii) Labourers,
(viii) Workmen,
(*c*) Lamp-lighters.

*Class III.*

(*a*) Electric undertaking services,
(*b*) transport services.

## CHAPTER V.

### CONTRACTS.

Mode of executing contracts.

1. (*1*) Every contract entered into by the Commissioner on behalf of the Corporation shall be entered into in such manner and form as would bind the Commissioner if such contract were on his own behalf, and may in the like manner and form be varied or discharged :

Provided that—

(*a*) any such contract which would require to be under seal if it were entered into by the Commissioner shall be sealed with the common seal of the Corporation; and

(*b*) every contract for the execution of any work or the supply of any materials or goods which will involve an expenditure exceeding five hundred rupees or such higher amount as the Corporation, with the approval of the Provincial Government, may from time to time prescribe shall be in writing and shall be sealed with the common seal of the Corporation in the manner prescribed in sub-rule (2), unless the contract relates to work which has already been performed or the supply of materials or goods which have already been supplied to the satisfaction of the Commissioner and the Commissioner by order in writing dispenses with the execution of a written instrument.

(*2*) The common seal of the Corporation, which shall remain in the custody of the Municipal Secretary, shall be affixed in the presence of two members of the Standing Committee to every contract or other instrument required to be under seal and such contract or instrument shall be signed by the said two members of the Standing Committee in token that the same was sealed in their presence. The signatures of the said members shall be distinct from the signatures of any witnesses to the execution of any such contract or instrument.

Tenders to be invited for certain contracts.

2. (*1*) Except as is hereinafter otherwise provided, the Commissioner or any officer authorised by him in this behalf shall, at least seven days before entering into any contract for the execution of any work or the supply of any materials or goods which will involve an expenditure exceeding three thousand rupees or such higher amount as the Corporation may, with the approval of the Provincial Government, from time to time prescribe, give notice by advertisement in the local newspapers, inviting tenders for such contract.

(*2*) The Commissioner shall not be bound to accept any tender which may be made in pursuance of such notice, but may accept, subject to the provision of clause (*c*) of section 78, any of the tenders so made which appears to him, upon a view of all the circumstances, to be the most advantageous :

Provided that the Standing Committee may authorize the Commissioner, for reasons which shall be recorded in its proceedings, to enter into a contract without inviting tenders as herein provided or without accepting any tender which he may receive after having invited them.

3. The Commissioner shall require sufficient security for the due performance of every contract into which he enters under rule 2 and may, in his discretion, require security for the due performance of any other contract into which he enters under this Act. **Security when to be taken for performance of contract.**

4. The provisions of this Chapter shall, so far as may be, apply to contracts relating to the Transport Undertaking: **Application of Chapter to contracts relating to Transport Undertaking.**

Provided that the functions to be performed thereunder by the Standing Committee or the members thereof and the Commissioner shall be performed by the Transport Committee or the members thereof and the Transport Manager, as the case may be.

## CHAPTER VI.

### Special Funds.

1. Fines collected under section 56 from municipal officers and servants other than those appointed under the provisions of Chapter XX shall be credited to a separate fund to be called " the Fines Fund " the proceeds of which shall be expended in promoting the well-being of municipal officers and servants other than those appointed under the provisions of Chapter XX and for the payment of compassionate allowances, in accordance with such directions as the Standing Committee may from time to time give, to the surviving spouse or children, and in the absence of the surviving spouse or children, the parents, brothers and sisters, if any, of such officers and servants who die while in municipal service. **Constitution of Fines Fund.**

2. Amounts transferred to the Municipal Fund under the provisions of clause (*c*) of sub-section (*1*) of section 360 shall be credited to a special fund to be called " the Welfare Fund " and shall be expended in providing such benefits and amenities to municipal officers and servants, including those appointed under the provisions of Chapter XX, and to such members of their families and their dependents as the Standing Committee may from time to time determine. **Constitution of Welfare Fund.**

3. (*1*) With the previous approval of the Corporation, all moneys payable from time to time to the credit of the Municipal Fund which expressly relate to an object for which it is deemed expedient to create a special fund shall be credited, and all expenditure which expressly relates to such object shall be debited. to a separate heading in the municipal accounts. **Special funds may be created with the approval of the Corporation.**

(*2*) With the like approval, a portion of the Municipal Fund may from time to time be credited to a separate heading in the municipal accounts for the purpose of reserving funds for meeting expenditure relating to some specific object for which it is deemed expedient to create a special fund and, when such a fund is created, such expenditure only which expressly relates to such object shall be debited to such special heading.

(*3*) If the Corporation is at any time of the opinion that the maintenance of a special fund created under this rule is no longer necessary, it may direct that such fund be closed and the unexpended balance, if any, of such fund be appropriated in such manner as it may direct.

4. Fines collected under section 56 from municipal officers and servants appointed under Chapter XX, donations from passengers and the proceeds of the sale of unclaimed lost property recovered from vehicles of the Transport Undertaking shall be credited to a separate heading in the accounts of the **Institution of Transport Staff Benefit Fund.**

Transport Undertaking to be called the Transport Staff Benefit Fund and the amounts so credited shall be expended in promoting the well-being of such officers and servants and for the payment of compassionate allowances to the widows of such officers and servants who die while in municipal service and to such other relations of the officers and servants as the Transport Committee may from time to time determine.

Other special funds.

5. (*1*) With the previous approval of the Corporation, the Transport Committee may direct that any moneys payable from time to time to the credit of the Transport Fund which expressly relate to an object for which it is deemed expedient to create a special fund shall be credited, and all expenditure which expressly relates to such object shall be debited, to a separate heading in the accounts of the Transport Undertaking.

(*2*) With the like approval, a portion of the Transport Fund may from time to time be credited to a separate heading in the accounts of the Transport Undertaking for the purpose of reserving funds for meeting expenditure relating to some specific object for which it is deemed expedient to create a special fund and, when such a fund is created, such expenditure only which expressly relates to such object shall be debited to such special heading.

(*3*) If the Transport Committee is at any time of the opinion that the maintenance of a special fund created under this rule is no longer necessary, it may, with the sanction of the Corporation, direct that such fund be closed and the unexpended balance, if any, of such fund be appropriated in such manner as it may direct.

## CHAPTER VII.

### BUDGETS.

Classification of budget heads.

1. The expenditure side of a budget estimate shall be classified under major heads, minor heads, subordinate heads and primary units.

(*a*) " Major head " means the principal head of accounts corresponding to the different services under which expenditure is classified in the budget estimate, and may be divided into two or more minor heads.

(*b*) " Minor head " means the head of accounts immediately subordinate to a major head under which each major head is classified, and may be further sub-divided into two or more subordinate heads.

(*c*) " Subordinate head " means the head of accounts immediately subordinate to a minor head under which each minor head is classified and may be further sub-divided into two or more primary units.

(*d*) " Primary unit " means the ultimate group or groups into which individual items of expenditure in the budget estimates are arranged.

Reductions or transfers.

2. (*1*) Subject to the provisions of sub-section (*1*) of section 101, the Corporation may, on the recommendation of the Standing Committee from time to time during an official year, sanction the transfer of any amount from one budget grant to another.

(*2*) The Standing Committee may at any time during an official year—

(*a*) reduce the amount of a budget grant;

(*b*) sanction the transfer of any amount within a budget grant from one minor head to another or from a subordinate head under one minor head to a subordinate head under another minor head; or

(*c*) sanction the transfer of any amount exceeding rupees five thousand within a minor head from one subordinate head to another or from one primary unit to another.

(3) The Commissioner may, at any time during an official year, sanction the transfer of any amount not exceeding rupees five thousand within a minor head from one subordinate head to another or from one primary unit to another, if such transfer does not involve a recurring liability :

Provided that every transfer of an amount exceeding rupees five hundred made under sub-rule (3) shall be reported forthwith by the Commissioner to the Standing Committee.

(4) When making any transfer under sub-rules (1), (2) and (3), due regard shall be had to all the requirements of this Act.

(5) If any such reduction as is referred to in clause (*a*) of sub-rule (2) is of an amount exceeding five hundred rupees, the Corporation may pass with regard thereto such order as it may think fit, and it shall be incumbent on the Standing Committee and the Commissioner to give effect to such order.

(6) For the purpose of expenditure from the Transport Fund the provisions of this rule shall apply as if for the words "Standing Committee" the words "Transport Committee" and for the word "Commissioner" the words "Transport Manager" had been substituted.

## CHAPTER VIII.

### TAXATION RULES.

*Notice of transfer, etc., of premises assessable to Property-taxes.*

Notice to be given to Commissioner of all transfers of title of persons primarily liable to payment of property tax.

1. (1) Whenever the title of any person primarily liable for the payment of property-taxes on any premises to or over such premises is transferred, the person whose title is so transferred and the person to whom the same shall be transferred shall, within three months after execution of the instrument of transfer, or after its registration, if it be registered, or after the transfer is effected, if no instrument be executed, give notice of such transfer, in writing to the Commissioner.

(2) In the event of the death of any person primarily liable as aforesaid, the person to whom the title of the deceased shall be transferred, as heir or otherwise, shall give notice of such transfer to the Commissioner within one year from the death of the deceased.

Form of notice.

2. (1) The notice to be given under rule 1 shall be in such form as the Commissioner may from time to time by public notice specify and shall state clearly and correctly all the particulars required by the said form.

(2) On receipt of any such notice, the Commissioner may, if he thinks it necessary, require the production of the instrument of transfer, if any, or of a copy thereof obtained under section 57 of the Indian Registration Act, 1908, or, in case of a transfer of the title of a deceased person, of any other document constituting evidence of such transfer.

(3) No such notice shall be deemed to be validly given unless the property taxes due at the date of notice in respect of the premises to which it relates have been paid and unless such fee as may from time to time be prescribed by the Standing Committee for acceptance of the notice has been paid.

Liability for payment of property-taxes to continue in the absence of any notice of transfer.

3. (*1*) If any person primarily liable for the payment of a property-tax whose title to or over such premises is transferred fails to give notice of such transfer to the Commissioner, he shall, in addition to any other liability which he incurs through such neglect, continue liable for the payment of all property-taxes from time to time payable in respect of the said premises until he gives such notice, or until the transfer shall have been recorded in the Commissioner's books.

(*2*) Nothing in this rule shall be held to diminish the liability of the transferee for the said property-taxes, or to affect the prior claim of the Commissioner on the premises conferred by section 141 for the recovery of the property-taxes due thereupon.

Commissioner may call for information from Registrar.

4. (*1*) On the written request of the Commissioner, the Registrar or Sub-Registrar of the district or sub-district formed for the purposes of the Indian Registration Act, 1908, in which the City is situate shall furnish such particulars regarding the registration of instruments of transfer of title to immovable properties in the City as the Commissioner may from time to time specify.

(*2*) Such information shall be furnished as soon as may be after the registration of an instrument of transfer is effected or, if the Commissioner so requests, in periodical returns made at such intervals as the Commissioner may fix.

Notice to be given to Commissioner of the erection of a new building, etc.

5. (*1*) When any new building is erected, or when any building is rebuilt or enlarged, or when any building which has been vacant is reoccupied, the person primarily liable for the property-taxes assessed on the building shall within fifteen days give notice thereof, in writing, to the Commissioner.

(*2*) The said period of fifteen days shall be counted from the date of the completion or of the occupation, whichever first occurs, of the building which has been newly erected or rebuilt, or of the enlargement, as the case may be, and in the case of a building which has been vacant, from the date of the reoccupation thereof.

Notice to be given to the Commissioner of demolition or removal of a building.

6. (*1*) When any building or any portion of a building which is liable to the payment of a property-tax is demolished or removed, otherwise than by order of the Commissioner, the person primarily liable for the payment of the said tax shall give notice thereof in writing to the Commissioner.

(*2*) Until such notice is given the person aforesaid shall continue liable to pay every such property tax as he would have been liable to pay in respect of such building if the same, or any portion thereof, had not been demolished or removed:

Provided that nothing in this rule shall apply in respect of a building or portion of a building which has fallen down or been burnt down.

Rateable value how to be determined.

7. (*1*) In order to fix the rateable value of any building or land assessable to a property-tax there shall be deducted from the amount of the annual rent for which such land or building might reasonably be expected to let from year to year a sum equal to ten per cent. of the said annual rent, and the said deduction shall be in lieu of all allowance for repairs or on any other account whatever.

(2) All plant and machinery contained or situate in or upon any building or land and belonging to any of the classes specified from time to time by public notice by the Commissioner, with the approval of the Corporation, shall be deemed to form part of such building or land for the purpose of fixing the rateable value thereof under sub-rule (1) but, save as aforesaid, no account shall be taken of the value of any plant or machinery contained or situated in or upon any such building or land.

(3) A statement setting out clearly the classes of plant and machinery specified from time to time by the Commissioner under sub-rule (2) and describing in detail what plant and machinery falls within each such class shall be prepared by the Commissioner under the directions of the Standing Committee and shall be open to inspection at all reasonable hours by members of the public at the chief municipal office.

(4) Printed copies of the statement prepared under sub-rule (3) shall be kept on sale at the chief municipal office at such price as the Commissioner may fix.

Commissioner may call for information or return from owner or occupier or enter and inspect assessable premises.

8. (1) To enable him to determine the value of any building or land and the person primarily liable for the payment of any property tax leviable in respect thereof, the Commissioner may require the owner or occupier of such building or land, or of any portion thereof, to furnish him, within such reasonable period as the Commissioner prescribes in this behalf, with information or with a written return signed by such owner or occupier:—

(a) as to the name and place of abode of the owner or occupier, or of both the owner and occupier of such building or land;

(b) as to the dimensions of such building or land, or of any portion thereof and the rent, if any, obtained for such building or land, or any portion thereof; and

(c) as to the actual cost or other specified details connected with the determination of the value of such building or land.

(2) Every owner or occupier on whom any such requisition is made shall be bound to comply with the same and to give true information or to make a true return to the best of his knowledge or belief.

(3) Whoever omits to comply with any such requisition or fails to give true information or to make a true return to the best of his knowledge or belief shall, in addition to any penalty to which he may be liable, be precluded from objecting to any assessment made by the Commissioner in respect of such building or land of which he is the owner or occupier.

(4) The Commissioner may also, for the purpose aforesaid, make an inspection of any such building or land.

*Assessment-book.*

Assessment book what to contain.

9. The Commissioner shall keep a book, to be called "the assessment-book", in which shall be entered every official year—

(a) a list of all buildings and lands in the City, distinguishing each either by name or number as he shall think fit, and containing such particulars regarding the location or nature of each as will, in his opinion, be sufficient for identification;

(*b*) the rateable value of each such building and land determined in accordance with the provisions of this Act and the rules;

(*c*) the name of the person primarily liable for the payment of the property-taxes, if any, leviable on each such building or land;

(*d*) if any such building or land is not liable to be assessed to the general tax, the reason of such non-liability;

(*e*) when the rates of the property-taxes to be levied for the year have been duly fixed by the Corporation and the period fixed by public notice, as hereinafter provided, or the receipt of complaints against the amount of rateable value entered in any portion of the assessment book has expired, and in the case of any such entry which is complained against, when such complaint has been disposed of in accordance with the provisions hereinafter contained, the amount at which each building or land entered in such portion of the assessment-book is assessed to each of the property-taxes, if any, leviable thereon;

(*f*) if, under section 134 or 135, a charge is made for water supplied to any building or land by measurement or the water-tax or charge for water by measurement is compounded for, or if, under section 137, the conservancy tax for any building or land is fixed at a special rate, the particulars and amount of such charge, composition or rate;

(*g*) such other details, if any, as the Commissioner from time to time thinks fit to direct.

**The assessment book to be made separately for each ward and in parts, if necessary.**

10. (*1*) The assessment-book may, if the Commissioner thinks fit, be made in separate books, called "ward assessment-books", one for each of the wards into which the City is for the time being divided for the purpose of elections; and each ward assessment-book may be divided into two or more parts for such purposes and with such several designations as the Commissioner shall determine.

(2) The ward assessment-books and their respective parts, if any, shall collectively constitute the assessment-book.

**Treatment of property which is let to two or more persons in separate occupancies.**

11. (*1*) When any building or land is let to two or more persons holding in severalty, the Commissioner may, for the purpose of assessing such building or land to the property taxes, either treat the whole thereof as one property, or, with the written consent of the owner of such building or land, treat each several holding therein or any two or more of such several holdings together, or each floor or flat, as a separate property.

(*2*) When the Commissioner has determined to treat all the several holdings comprised within any one building or land under this section as one property, he may, subject to any general conditions which may from time to time be prescribed by the Standing Committee in this behalf, at any time not later than seven days before the first day of any half-year for which an instalment of general tax will be leviable in respect of the said property, sanction a drawback of one-fifth part of the general tax so leviable.

(*3*) Every person who applies for a drawback under sub-rule (2) shall furnish to the Commissioner full and correct information regarding the property in respect of which the claim for drawback is made and the several holdings comprised therein in such form and with such particulars as may be required by the Commissioner in accordance with the general conditions prescribed in this behalf by the Standing Committee.

Procedure where name of person primarily liable for property taxes cannot be ascertained.

12. (*1*) When the name of the person primarily liable for the payment of property-taxes in respect of any premises cannot be ascertained, it shall be sufficient to designate him in the assessment-book and in any notice which it may be necessary to serve upon the said person under this Act, " the holder " of such premises, without further description.

(*2*) If, in any such case, any person in occupation of the premises shall refuse to give such true information as may be requisite for determining who is primarily liable as aforesaid, such person shall himself be liable, until such information is obtained, for all property-taxes leviable on the premises of which he is in occupation.

Public notice to be given when valuation of property in any ward has been completed.

13. (*1*) When the entries required by clauses (*a*), (*b*), (*c*) and (*d*) of rule 9 have been completed, as far as practicable, in any ward assessment-book, the Commissioner shall give public notice thereof and of the place where the ward assessment-book, or a copy of it, may be inspected.

(*2*) Such public notice shall be given by advertisement in the local newspapers, and also by posting placards in conspicuous places throughout the ward.

Assessment-book to be open to inspection.

14. (*1*) Every person who reasonably claims to be the owner or occupier of some premises entered in the assessment-book or the agent of any such owner or occupier shall be permitted, free of charge, to inspect and to take extracts from any portion of the said book which relates to the said premises.

(*2*) Any person not entitled under sub-rule (1) to inspect and take extracts from any portion of the assessment-book free of charge shall be permitted to do so on payment of such fee as shall from time to time be prescribed in this behalf by the Commissioner, with the approval of the Standing Committee.

Time for filing complaints against valuations to be publicly announced.

15. (*1*) The Commissioner shall, at the time and in the manner prescribed in rule 13, give public notice of a day, not being less than fifteen days from the publication of such notice, on or before which complaints against the amount of any rateable value entered in the ward assessment-book will be received in his office.

(*2*) In every case in which any premises have for the first time been entered in the assessment-book as liable to the payment of property-taxes, or in which the rateable value of any premises liable to such payment has been increased, the Commissioner shall, as soon as conveniently may be after the issue of the public notice under sub-rule (1), give a special written notice to the owner or occupier of the said premises specifying the nature of such entry and informing him that any complaint against the same will be received in his office at any time within fifteen days from the service of the special notice.

Time and manner of filing complaints against valuation.

16. (*1*) Every complaint against the amount of any rateable value entered in the assessment-book or against the mention of the name of any person as primarily liable for the payment of property taxes or against the treatment of any building or land as liable to be assessed to the general tax must be made by written application to the Commissioner, which shall be left at his office on or before the day or the latest day fixed in this behalf in the public or special notice aforesaid.

(*2*) Every such application shall set forth briefly but fully the grounds on which the valuation is complained against.

**Notice to complainants of day fixed for investigating their complaints.**

17. The Commissioner shall cause all complaints so received to be registered in a book to be kept for this purpose and shall give notice, in writing, to each complainant, of the day, time and place when and whereat his complaint will be investigated.

**Hearing of complaint.**

18. (*1*) At the time and place so fixed, the Commissioner shall investigate and dispose of the complaint in the presence of the complainant, if he shall appear, and, if not, in his absence.

(*2*) For reasonable cause, the Commissioner may from time to time adjourn the investigation.

(*3*) When the complaint is disposed of, the result thereof shall be noted in the book of complaints kept under rule 17 and any necessary amendment shall be made in accordance with such result in the assessment-book.

**Authentication of ward assessment-books when all complaints have been disposed of.**

19. (1) When all such complaints, if any, have been disposed of and the entries required by clause (*e*) of rule 9 have been completed in the ward assessment-book, the said book shall be authenticated by the Commissioner, who shall certify, under his signature, that except in the cases, if any, in which amendments have been made as shown therein, no valid objection has been made to the rateable values entered in the said book.

(2) Thereupon the said ward assessment-book subject to such alterations as may thereafter be made therein under the provisions of rule 20 shall be accepted as conclusive evidence of the amount of each property-tax leviable on each building and land in the ward in the official year to which the book relates.

**Assessment-book may be amended by the Commissioner during the official year.**

20. (*1*) Subject to the provisions of sub-rule (2) the Commissioner may upon the representation of any person concerned or upon any other information at any time during the official year to which the assessment-book relates amend the same—

(*a*) by inserting therein the name of any person whose name ought to be so inserted or any premises previously omitted;

(*b*) by striking out the name of any person not liable to the property tax;

(*c*) by increasing or reducing the amount of any rateable value and of the assessment based thereupon;

(*d*) by altering the assessment on any land or building which has been erroneously valued or assessed through fraud, accident or mistake;

(*e*) by inserting or altering an entry in respect of any building erected, re-erected, altered, added to or reconstructed in whole or in part after the preparation of the assessment book;

(*f*) by making or cancelling any entry exempting any premises from liability to any property tax.

(2) Where any amendment is made under sub-rule (1) which has the effect of imposing on any person any liability for the payment of property taxes which would not be incurred but for such amendment or which has the effect of increasing the rateable value of any premises as stated in the assessment book, a special written notice as provided in sub-rule (2) of rule 15 shall be given by the Commissioner and, as far as may be, the procedure laid down in rules 16, 17 and 18 shall be followed.

(3) Every such amendment shall be deemed to have been made, for the purpose of determining the liability or exemption of the person concerned in accordance with the altered entry, from the earliest day in the current official year when the circumstances justifying the amendment existed.

New assessment-book need not be prepared every official year.

21. (1) It shall not be necessary to prepare a new assessment book every official year. Subject to the provisions of sub-rule (2), the Commissioner may adopt the entries in the last preceding year's book with such alterations as he thinks fit, as the entries for each new year :

Provided that public notice shall be given in accordance with rules 13 and 15 every year and the provisions of the said rules and of rules 16 to 20, both inclusive, shall be applicable each year.

(2) A new assessment-book shall be prepared at the least once in every four years.

*Special provisions regarding Tax on Vehicles, Boats and Animals.*

Person responsible for the payment of the tax on vehicles, boats and animals.

22. (1) The tax on vehicles, boats and animals shall be leviable from the owner of or person having possession or control of any vehicle, boat or animal in respect of which the said tax is leviable :

Provided that in the case of an animal generally used or employed in drawing any vehicle the tax in respect of such animal shall be leviable from the owner of, or the person having possession or control of, such vehicle, whether or not such animal is owned by such owner or person.

(2) For the purposes of this rule, the person in whose name a motor vehicle is for the time being registered under the Motor Vehicles Act, 1939, shall, until the contrary is proved, be presumed to be the owner or person in possession or control of such motor vehicle.

Vehicle, boat and animal tax book to be kept.

23. (1) The Commissioner shall keep a book, in which shall be entered from time to time :—

(a) a list of the persons liable to pay any tax under rule 22;

(b) a specification of the vehicles, boats and animals in respect of which the said persons are, respectively, liable to the said tax;

(c) the amount of tax payable by each such person and the period for which it is payable;

(d) the particulars of every composition made under section 144.

(2) Any person whose name is entered in the said book, or the agent of any such person, shall be permitted, free of charge, to inspect and take extracts from any portion of the said book which relates to such person.

(3) Any person not entitled under sub-rule (2) to inspect and take extracts from any portion of the said book, free of charge, shall be permitted to do so on payment of such fee as shall from time to time be prescribed in this behalf by the Commissioner, with the approval of the Standing Committee.

Returns from owners of premises and persons liable to the tax.

24. (1) The owner of any premises let to or occupied by more than one person owning or having possession or control of vehicles, boats and animals liable to the payment of the tax on vehicles, boats and animals shall on or before the first day of April and the first day of October in each year furnish the Commissioner with a written return, signed by such owner, of the name and address of each of the said persons, and of the animals, boats and vehicles owned by or in the possession or under the control of each of the said persons kept upon such owner's premises.

(2) Every person who owns or has in his possession a vehicle, boat or animal liable to the payment of the tax on vehicles, boats and animals shall

on or before the first day of April and the first day of October in each year, or within fifteen days of the receipt of a special notice in this behalf from the Commissioner furnish the Commissioner with a written return, signed by such person and containing such information concerning the vehicle, boat or animal, if any, owned by or in the possession or under the control of such person as the Commissioner from time to time specifies by public notice.

(*3*) Every such owner or person as is referred to in sub-rule (1) and sub-rule (2), respectively, shall be bound to make a true return to the best of his knowledge or belief, whether or not he is liable to the payment of the tax.

Notice to be given to Commissioner by a person who becomes owner or possessed of a vehicle, boat or animal in respect of which liability arises, etc.

25. (*1*) Every person who becomes the owner or obtains possession or control of any vehicle, boat or animal in respect of which the said tax is leviable shall give notice in writing to the Commissioner within fifteen days after he has become the owner or has obtained possession or control of such vehicle, boat or animal, of the fact that he has become the owner or has obtained possession or control of such vehicle, boat or animal, as the case may be.

(*2*) Every person who ceases to own or have possession or control of any vehicle, boat or animal in respect of which the said tax is leviable shall give notice in writing to the Commissioner of the fact that he has ceased to own or have possession or control of such vehicle, boat or animal. Such person shall, in addition to any other penalty to which he may be liable, continue to be liable for the payment of the said tax leviable from time to time in respect of such vehicle, boat or animal until he gives such notice :

Provided that nothing herein contained shall be held to diminish the liability to pay the said tax of the person who becomes the owner or obtains possession or control of such vehicle, boat or animal or affect the prior claim of the Commissioner on such vehicle, boat or animal for the recovery of any tax due in respect thereof.

*Special provisions relating to Octroi and Tolls.*

Table of rates of octroi to be affixed on certain places.

26. The Commissioner shall cause tables of the octroi for the time being leviable, specifying the rates at which and the articles on which the same are leviable, to be printed in such language or languages as the Corporation may from time to time specify in this behalf, and to be affixed in a conspicuous position at every place at which the said octroi is levied.

Table of tolls to be affixed in a conspicuous position.

27. The Commissioner shall cause a table of the tolls for the time being leviable, specifying the amounts and the terms on which the liability to pay the toll may be compounded by periodical payments, to be printed in such language or languages as the Corporation may from time to time specify in this behalf, and to be affixed in a conspicuous position at every place at which the said tolls are levied.

Power to keep account-current with person, firm or public body in lieu of levying octroi on production of goods.

28. (*1*) The Commissioner may at any time with the approval of the Standing Committee instead of requiring payment of octroi due from any person, mercantile firm or public body to be made at the time when the goods in respect of which the octroi is leviable are introduced into the City direct that an account-current shall be kept on behalf of the Corporation of the octroi so due from such person, firm or body.

(*2*) Such account shall be settled at intervals not exceeding one month, and such person, firm, or public body shall give such information or details and make such deposit or furnish such security as the Commissioner shall consider sufficient to cover the amount which may at any time be due from such person, firm, or body in respect of such dues.

(3) Any amount so due at the expiry of any such interval shall be recoverable by distress and sale of the moveable property or attachment and sale of the immovable property of the defaulter as if such amount were a property tax due by the said defaulter.

Power to examine articles liable to octroi.

29. (1) A person bringing into or receiving from beyond the limits of the City any goods shall, when required by an officer authorized in this behalf by the Commissioner and so far as may be necessary for ascertaining whether octroi is payable on such goods and the amount of tax chargeable,—

(a) unload and reload all the goods or such of them as may be required by that officer ;

(b) permit that officer to inspect, examine, weigh, stamp, seal or otherwise mark for purposes of identification such goods ;

(c) permit that officer to inspect and examine any animal or vehicle on or in which such goods are loaded ;

(d) communicate to that officer any information and exhibit to him any bill, invoice or document of a like nature, which he may possess relating to such animal or goods ; and

(e) make a declaration in writing to that officer regarding the correctness and accuracy of the document shown to him.

(2) Every person in charge of such vehicle shall make a full and correct declaration of the goods carried in such vehicle.

(3) If any person bringing into or receiving from beyond the limits of the City any vehicle or package shall refuse on the demand of an officer authorized by the Commissioner in this behalf to permit the officer to inspect the contents of the vehicle or package for the purpose of ascertaining whether it contains anything in respect of which octroi is payable, the officer may cause the vehicle or package to be taken without unnecessary delay before a Magistrate or such officer of the Corporation as the Commissioner appoints in this behalf who shall cause the inspection to be made in his presence.

*Collection of taxes.*

Property-taxes payable half-yearly in advance.

30. Each of the property-taxes shall be payable in advance in half yearly instalments on each first day of April and each first day of October.

Tax on vehicles, boats and animals payable in advance.

31. (1) The tax on vehicles, boats and animals, including the tax payable under the proviso to clause (f) of sub-section (1) of section 143, shall be paid half-yearly in advance on each first day of April and each first day of October.

If in any half-year a vehicle, boat or animal becomes liable to such tax, such tax shall be leviable thereon from the earliest day in the half-year on which such vehicle, boat or animal so becomes liable and the amount of tax leviable for such half-year shall be, if such earliest day occurs—

(a) in the first two months of such half-year. the whole tax for such half-year;

(*b*) in the third or fourth month of such half-year, two-thirds of the tax for such half-year;

(*c*) in the last two months of such half-year, one-third of the tax for such half-year, provided that no tax shall be leviable for such half-year if such earliest day occurs within the last twenty days of such half-year.

(*2*) Notwithstanding anything in sub-rule (1), the Commissioner may, with the previous approval of the Corporation, by public notice declare that the tax payable in respect of such class of vehicles other than motor vehicles or in respect of such animals as are specified in the notice shall be payable yearly in advance on each first day of April and, in the event of such notice being given, if a vehicle or animal affected by such notice becomes liable to the tax during the course of the year, the tax shall be leviable thereon from the earliest day in such year, and the amount of tax leviable for such year shall be, if such earliest day occurs—

(*a*) in the first quarter of such year, the whole tax for such year;
(*b*) in the second quarter of such year, two-thirds of the tax for such year;
(*c*) in the third quarter of such year, one-half of the tax for such year;
(*d*) in the last quarter of such year, one-third of the tax for such year:

Provided that no tax shall be levied for such year if such earliest day occurs within the last twenty days of such year.

Display of tokens, badges or discs on vehicles liable to tax on vehicles, boats and animals.

32. (*1*) Every person who pays the tax on vehicles, boats and animals in respect of any vehicle shall be given a token or badge or disc indicating clearly the period for which the tax has been paid and bearing a distinctive number and shall at all times display such token, badge or disc prominently on such vehicle.

(*2*) Any vehicle found in the City on which no such token, badge or disc is displayed may, if there is reason to believe that such vehicle is liable to the tax on vehicles, boats and animals and if the owner of such vehicle is not known or cannot be traced, be seized by any municipal officer authorised in this behalf by the Commissioner and detained.

(*3*) If any person, within one month of the seizure of a vehicle under sub-rule (2), establishes his claim thereto to the satisfaction of the Commissioner, the Commissioner shall order such vehicle to be delivered to such person upon payment by such person of the amount of tax, if any, due and of such amount as the Commissioner may fix as the costs of seizure and detention.

(*4*) If within the said period of one month the vehicle is not claimed by any person or if no claim made under sub-rule (3) is established to the satisfaction of the Commissioner, the vehicle may be sold by public auction and the proceeds of such sale, after deducting the tax, if any, due and all costs incurred on seizure, detention and sale, shall be delivered to any person who within six months of the sale establishes his claim thereto or, if no such claim is received or established, shall be forfeited to the Corporation.

(*5*) For every token, badge or disc given under sub-rule (1) a fee shall be payable of such amount as the Commissioner may, with the previous approval of the Standing Committee, prescribe for each kind of token, badge or disc.

Octroi payable on demand.

33. (*1*) Octroi shall be payable on demand.

(*2*) Every person authorized by the Commissioner to demand octroi shall tender to every person on whom the demand is made a bill specifying the goods taxable, the amount claimed, and the rate at which the tax is calculated.

Tolls payable on demand.

34. (*1*) Tolls shall be payable on demand.

(*2*) Every person authorized by the Commissioner to demand tolls shall tender to every person on whom the demand is made a bill showing the amount of the toll and the rate at which it is claimed.

Collection of octroi and tolls how to be effected.

35. Octroi and tolls may be collected under the orders of the Commissioner by municipal officers and servants appointed in this behalf or, if the Commissioner thinks fit, may, with the approval of the Standing Committee, be farmed by him for any period not exceeding one year at a time or be collected by or under the orders of any person whom the Commissioner, with the approval of the Standing Committee, appoints to be his agent for this purpose.

Theatre tax payable in advance.

36. Theatre Tax shall be payable at the chief municipal office or at such other place or places as the Commissioner may from time to time appoint in this behalf at least twelve hours in advance of the commencement of the performance in respect of which the tax is due by the person responsible for the management of such performance.

Payment of Theatre Tax for series of performances in lump.

37. The Commissioner may arrange with any person liable for the payment of Theatre Tax in respect of a series of performances intended to be given of any amusement or entertainment for the payment by such person in one amount for such series extending over not more than one month at a time in lieu of separate payments for each performance.

Recovery of Theatre Tax in case of default.

38. If the Theatre Tax is not paid in respect of any performance the Commissioner shall, by written notice, call upon the defaulter to pay the amount due within such period as may be specified in the notice and may, if the payment is not made within the specified period, recover the amount by distress and sale of the moveable property or attachment and sale of the immovable property of the defaulter as if the amount were a property-tax due by him.

Presentation of bills for certain taxes.

39. (*1*) When any property tax or tax on vehicles, boats and animals or any tax declared by or under this Act to be recoverable in the manner provided for a property tax, or any instalment of any such tax shall become due, the Commissioner shall, with the least practicable delay, cause to be served on the person liable for the payment thereof a bill for the sum due.

(*2*) Every such bill shall specify the period for which, and the premises, property, occupation, vehicle, boat, animal or thing in respect of which the tax is charged, and shall also give notice of the time within which an appeal may be preferred against such tax and of the consequences of default in payment as hereinafter provided.

When one bill may be presented for several claims.

40. (*1*) All the sums due for each period for all or any of the property taxes by any one person on account of one and the same property shall be charged to such person in one bill and shall be recoverable from him in the lump:

Provided that nothing herein contained shall affect the liability of such person to any increased tax to which he may be assessed on account of the said property owing to a revision of the rateable value.

(*2*) If any one person is liable for all or any of the said taxes on account of more properties than one, it shall be competent to the Commissioner to charge to such person in one or several bills, as he shall think fit, the several sums payable by him on account of such properties:

Provided that if such person, by written notice to the Commissioner, request to be furnished with several bills, the Commissioner shall comply with such request in respect of all the said taxes for which such person becomes liable after receipt by the Commissioner of the notice.

Notice of demand.

41. (*1*) If the amount of tax for which any bill has been served as aforesaid is not paid into the municipal office or deposited with the Commissioner as required by sub-section (*2*) of section 406 within fifteen days from the service thereof, the Commissioner may cause to be served upon the person liable for the payment of the same a notice of demand in Form G or to the like effect.

(*2*) For every notice of demand which the Commissioner causes to be served on any person under this section, a fee which shall amount to eight annas if the amount of the bill does not exceed one hundred rupees and to eight annas for every hundred rupees or part thereof if the amount of the bill exceeds one hundred rupees shall be payable by the said person and shall be included in the costs of recovery.

Distress or attachment.

42. (*1*) If the person on whom a notice of demand has been served under rule 41 does not within fifteen days from such service pay the sum demanded or show sufficient cause for non-payment of the same to the satisfaction of the Commissioner, and if no appeal is preferred against the said tax, as hereinafter provided, such sum, with all costs of the recovery, may be levied under a warrant in Form H or to the like effect, to be issued by the Commissioner, by distress and sale of the moveable property of the defaulter or the attachment and sale of the immovable property of the defaulter or, if the defaulter be the occupier of any premises in respect of which a property-tax is due, by distress and sale of any moveable property found on the said premises or, if the tax be due in respect of any vehicle, boat or animal, by distress and sale of such vehicle, boat or animal in whomsoever's ownership, possession or control, the same may be.

(*2*) If after the service of the notice of demand the amount of the said tax is paid but the fee for the notice is not paid the sum due on account of the said fee may be levied under a warrant in the Form H (*mutatis mutandis*) to be issued by the Commissioner in the same manner as if such sum were due on account of the tax.

Property of defaulter may be distrained or attached wherever found.

43. (*1*) Where any property of a defaulter or any vehicle, boat or animal liable to be distrained or attached is situate within the City the warrant issued under rule 42 shall be addressed to an officer of the Corporation.

(*2*) Where such property, vehicle, boat or animal is situate outside the City, the warrant shall be addressed to—

(*a*) the Registrar, Court of Small Causes, Bombay, if such property, vehicle, boat or animal is situate in the City of Bombay ;

(*b*) the Commissioner, if such property, vehicle, boat or animal is situate in a City ;

(*c*) the Chief Officer or the Vice-President if such property, vehicle, boat or animal is situate in a municipal borough or municipal district, respectively ;

(*d*) the Executive Officer of the Cantonment if such property, vehicle, boat or animal is situate in a cantonment ;

(*e*) an officer of Government not lower in rank than a Mahalkari if such property, vehicle, boat or animal is situate elsewhere.

(*3*) Any officer to whom a warrant is addressed under sub-rule (*2*) may endorse such warrant to a subordinate officer.

Warrant how to be executed in case of moveable property.

44. (*1*) It shall be lawful for the officer to whom a warrant for the distraint and sale of any moveable property issued under rule 42 is addressed or endorsed to break open at any time between sunrise and sunset any outer or inner door or window of any building, in order to

make any distress directed in the warrant, if he has reasonable ground for believing that such building contains property which is liable to seizure under the warrant, and if, after notifying his authority and purpose and duly demanding admittance, he cannot otherwise obtain admittance :

Provided that such officer shall not enter or break open the door of any apartment appropriated for women, until he has given such women an opportunity to remove.

(2) It shall also be lawful for such officer to distrain, wherever the same may be found, any property of the person named in the said warrant as defaulter, provided that the following property shall not be distrained, namely—

(*a*) the necessary wearing apparel and bedding of the defaulter, his wife and children ;

(*b*) the tools of artizans ;

(*c*) if the defaulter is an agriculturist, his implements of husbandry, seed-grain and such cattle as may be necessary to enable the defaulter to earn his livelihood.

Warrant how to be executed in case of immovable property.

45. (*1*) When a warrant is issued under rule 42 for the attachment and sale of immovable property, the attachment shall be made by an order prohibiting the defaulter from transferring or charging the property in any way, and all persons from taking any benefit from such transfer or charge, and declaring that the property will be sold unless the amount due, with the costs of recovery, are paid into the municipal office within five days.

(2) Such order shall be proclaimed at some place on or adjacent to the property by beat of drum or other customary mode, and a copy of the order shall be fixed on a conspicuous part of the property and upon a conspicuous part of the municipal office and also, when the property is land paying revenue to the Provincial Government, in the office of the Collector of the district in which the land is situate.

(3) Any transfer of a charge on the property attached or of any interest therein made without the written permission of the Commissioner shall be void as against all claims of the Corporation enforceable under the attachment.

Inventory and notice of distress and sale.

46. The officer charged with the execution of a warrant of distress shall forthwith make an inventory of the moveable property or vehicles, boats or animals which he seizes under such warrant, and shall at the same time give a written notice in Form I or in a similar form to the person in possession thereof at the time of seizure that the said property or vehicles, boats or animals will be sold as therein mentioned.

Sale.

47. (*1*) Where the property seized is subject to speedy and natural decay or when the expense of keeping it in custody together with the amount to be levied is likely to exceed its value, the Commissioner shall at once give notice to the person in whose possession the property was, when distrained, to the effect that it will be sold at once, and shall sell it accordingly unless the sum due and the costs of recovery are paid forthwith.

(2) If not sold at once under sub-rule (1) the property distrained or attached or, in the case of immovable property, a sufficient portion thereof may, after the expiry of the period stated in sub-rule (1) of rule 45, or named in the notice served under rule 46, as the case may be, be sold by public auction by order of the Commissioner, unless the warrant is suspended by him or the sum due

and the costs of recovery are paid by the defaulter, and the Commissioner shall apply the proceeds or such part thereof as shall be requisite in discharge of the sum due and of the costs of recovery.

(3) The surplus, if any, shall be forthwith credited to the Municipal Fund, but, if the same be claimed by written application to the Commissioner within six months from the date of the sale, a refund thereof shall be made to the person in possession of the property at the time of the seizure or attachment and any surplus not claimed within six months as aforesaid shall be the property of the Corporation.

(4) Where the sum due and the costs of recovery are paid by the defaulter before a sale is effected, the property seized shall be returned to him and the attachment, if any, of immovable property shall be deemed to have been removed.

(5) Sales of immovable property under this rule shall be held in the manner laid down in the standing orders.

(6) After sale of the immovable property as aforesaid the Commissioner shall put the person declared to be the purchaser in possession of the same and shall grant him a certificate to the effect that he has purchased the property to which the certificate refers.

(7) It shall be lawful for the Commissioner on behalf of the Corporation to offer a nominal bid in the case of any immovable property put up for sale, provided the previous approval of the Standing Committee is obtained to such bidding.

(8) The Commissioner may direct the removal from the immovable property by any police officer of any person who obstructs him in any action taken in pursuance of sub-rule (6) and may also use such force as is reasonably necessary to effect entry on the said property.

Sale outside City.

48. (1) Where the warrant is addressed outside the City, the Commissioner may by endorsement direct the person to whom the warrant is addressed to sell the property distrained or attached; and in such case it shall be lawful for such person to sell the property and to do all things incidental to the sale in accordance with the provisions of rule 47 and to exercise the powers and perform the duties of the Commissioner under the said rule in respect of such sale, except the power of suspending the warrant.

(2) Such person shall, after deducting all costs of recovery incurred by him, remit the amount recovered under the warrant to the Commissioner, who shall dispose of the same in accordance with the provisions of the said rule.

Special provisions in regard to non-payment of octroi or toll.

49. (1) In the case of non-payment of any octroi or any toll on demand by any person authorized in this behalf by the Commissioner such person may seize any goods on which the octroi is chargeable, or any vehicle or animal on which the toll is chargeable or any part of the burden of such vehicle or animal which is in his opinion of sufficient value to satisfy the demand together with the expenses incidental to the seizure, detention and eventual sale, if necessary, of such animal, goods, vehicle, burden or part thereof, and may detain the same. He shall thereupon give the person in possession of the vehicle, animal or thing seized, a list of the property together with a written notice in Form I.

(2) When any property seized is subject to speedy decay, or when the expense of keeping it together with the amount of the octroi or toll chargeable is likely to exceed its value, the person seizing such property may inform the person in whose possession it was that it will be sold at once; and shall sell it or cause it to be sold accordingly unless the amount of octroi or toll demanded and the expenses incidental to the seizure be forthwith paid.

(*3*) If at any time before a sale has begun, the person from whose possession the property has been seized, tenders at the municipal office the amount of all expenses incurred and of the octroi or toll payable, the Commissioner shall forthwith deliver to him the property seized.

(*4*) If no such tender is made, the property seized may be sold, and the proceeds of such sale shall be applied in payment of such octroi, and the expenses incidental to the seizure, detention and sale.

(*5*) The surplus, if any, of the sale proceeds shall be credited to the Municipal Fund, and may, on application made to the Commissioner in writing within six months next after the sale, be paid to the person in whose possession the property was when seized, and if no such application is made, shall become the property of the Corporation.

(*6*) The expenses incidental to the seizure of any property under this rule shall be determined in such manner as the Commissioner may specify in this behalf but shall not in any case exceed ten per cent. of the amount of octroi or toll payable.

**Fees for warrants issued, etc.**

50. For every warrant issued, distraint or attachment made and for the maintenance of any animal seized fees shall be charged at such rates as the Corporation may from time to time specify with the sanction of the Provincial Government and such fees shall be included in the costs of recovery.

**Fees for cost of recovery may be remitted.**

51. The Commissioner may, in his discretion, remit the whole or any part of any fee chargeable under rule 41 or 50.

**Attachment of rent due.**

52. (*1*) Where a bill for any sum due on account of any property-tax is served upon an occupier of premises pursuant to sub-section (*1*) of section 140, the Commissioner may at the time of service or at any subsequent time cause to be served upon the occupier a notice requiring him to pay to the Corporation any rent due or falling due from him to the person primarily liable for the payment of the said tax to the extent necessary to satisfy the said sum due.

(*2*) Such notice shall operate as an attachment of the said rent until the said sum due on account of property-tax shall have been paid and satisfied, and the occupier shall be entitled to credit in account with the person to whom the said rent is due for any sum paid by him to the Corporation in pursuance of such notice.

(*3*) If the occupier shall fail to pay to the Corporation any rent due or falling due which he has been required to pay in pursuance of a notice served upon him as aforesaid the amount of such rent may be recovered from him by the Corporation as if it were an arrear of property-tax under section 140, provided that sub-section (*3*) of the said section shall not apply to such recovery.

**Summary proceedings may be taken against persons about to leave the City.**

53. (*1*) If the Commissioner shall at any time have reason to believe that any person from whom any sum is due on account of any tax other than octroi or a toll or Theatre Tax is about forthwith to remove from the City, the Commissioner may direct the immediate payment by such person of the sum so due by him and cause a bill for the same to be served on him.

(*2*) If, on service of such bill, the said person do not forthwith pay the sum due by him or show cause to the satisfaction of the Commissioner for not doing so the amount shall be leviable by distress and sale in the manner hereinbefore

prescribed, except that it shall not be necessary to serve upon the defaulter any notice of demand, and the Commissioner's warrant for distress and sale may be issued and executed without any delay.

Defaulters may be sued for arrears, if necessary.

54. Instead of proceeding against a defaulter by distress, attachment and sale as hereinbefore provided, or after a defaulter shall have been so proceeded against unsuccessfully or with only partial success, any sum due or the balance of any sum due, as the case may be, by such defaulter, on account of a tax may be recovered from him by a suit in any Court of competent jurisdiction.

Special provision for service of bills for taxes.

55. Notwithstanding anything contained in sections 472, 473 and 474, a bill for any municipal tax may be served upon the person liable therefor by sending it by ordinary post, under certificate of posting, in a prepaid letter addressed to such person at his last known abode or place of business in the City, and every bill so sent shall be deemed to have been served on the day following the day upon which the envelope or wrapper containing such bill was put in the post and, in proving such service, it shall be sufficient to prove that the envelope or wrapper containing the bill was properly addressed and put in the post under certificate of posting.

*Refunds.*

Refund of property taxes on account of vacancies.

56. (*1*) When any building or land or any portion of any premises which has been treated as a separate property for the purpose of assessment under any provision of this Act, has been vacant for not less than thirty consecutive days the Commissioner shall, subject to the provisions hereinafter contained, refund the amount of the water tax and conservancy tax, if any, paid for the number of days that such vacancy lasted.

(*2*) When any building or land or any portion of any premises which has been treated as a separate property for the purpose of assessment under any provision of this Act has been vacant for not less than sixty consecutive days the Commissioner shall, subject to the provisions hereinafter contained, refund two-thirds of the amount of the general tax, if any, paid for the number of days that such vacancy lasted:

Provided that no refund of general tax shall be claimable in any case in which the Commissioner has sanctioned a drawback under the provisions of rule 11.

*Explanation.*—For the purposes of this rule—

(*a*) premises shall be deemed to be vacant only if they are unoccupied and unproductive of rent;

(*b*) premises shall be deemed to be productive of rent if let to a tenant having a continuing right of occupation thereof, whether they are actually occupied by such tenant or not;

(*c*) premises furnished or reserved by the owner for his own occupation whenever required shall be deemed to be occupied, whether they are actually occupied by the owner or not;

(*d*) premises used or intended to be used for the purpose of any industry which is seasonal in character shall not be deemed to be vacant merely on account of their being unoccupied and unproductive of rent during such period or periods of the year in which seasonal operations are normally suspended;

(*e*) a vacancy which has continued during the whole of the month of February shall be deemed to have continued for not less than thirty consecutive days.

Refund not claimable unless notice of vacancy is given to Commissioner.

57. (*1*) No refund of any property tax shall be claimed from the Commissioner as aforesaid, unless notice in writing of the vacancy shall have been given by the person liable for the tax, or his agent, to the Commissioner.

(*2*) No refund shall be paid by the Commissioner for any period previous to the day of the delivery of such notice unless the notice is given within seven days of the occurrence of the vacancy, in which case refund shall be paid as from the day of the occurrence of the vacancy.

(*3*) When a vacancy continues from one period in respect of which property-taxes, or any instalment thereof, are recoverable, into the next following period, no refund of any property tax shall be claimable from the Commissioner as aforesaid on account of such continued vacancy, unless notice thereof shall be given to the Commissioner as aforesaid within thirty days from the commencement of the said next following period and such notice of vacancy shall be required notwithstanding that notice of vacancy required to be given under sub-rule (1) was not given until after the expiry of the period in which the vacancy occurred.

Refund of water tax inadmissible unless application for stopping water supply has been made.

58. No refund of water-tax shall be claimable in respect of premises with a separate water connection unless a written application shall have been made to the Commissioner to stop the water supply to the vacant premises.

Applications for refund when and how to be made.

59. It shall be in the discretion of the Commissioner to disallow any claim for refund of any property-tax unless application therefor is made to him in writing within thirty days after the expiry of the period to which the claim relates, accompanied by the bill served on the applicant for the amount of the tax from which the refund is claimed.

Refund of tax on vehicles, boats and animals when and to what extent obtainable.

60. (*1*) If the tax leviable on any vehicle, boat or animal in respect of any half year has been paid and if during such half year such vehicle, boat or animal ceases to be kept within the City or, if kept outside, ceases to be used in the City or is destroyed or is otherwise rendered unfit for use or if such vehicle or boat has been under repairs or if such animal has been kept in any institution for the reception of infirm or disused animals or is certified by a Veterinary Surgeon to have become unfit for use and has not been used, the person who paid the tax leviable on such vehicle, boat or animal shall, subject to the provisions hereinafter contained, and, on the Commissioner or any officer authorised by him being satisfied in this behalf, be entitled to receive from the Commissioner, if the period in such half year for which such vehicle, boat or animal has not been kept in the City or has not been used, on account of such vehicle, boat or animal being destroyed or rendered unfit for use or on account of such vehicle or boat being under repairs or such animal being kept in any institution for the reception of infirm or disused animals or such animal having been certified by a Veterinary Surgeon to have become unfit for use, is—

(*a*) not less than one hundred and seventy days, the full amount of the tax paid,

(*b*) not less than one hundred and fifty days, three-fourths of the tax paid,

(*c*) not less than one hundred and twenty days, two-thirds of the tax paid,

(*d*) not less than ninety days, one-half of the tax paid,

(*e*) not less than sixty days, one-third of the tax paid.

No refund of the tax shall be granted if such period is less than sixty days.

(*2*) When a notice has been given under sub-rule (2) of rule 31, this rule shall apply in respect of vehicles and animals affected by the notice as if for each of the periods specified therein, double the period so specified had been substituted.

**Refund not claimable unless notice is given to Commissioner.**

61. (*1*) No refund of the tax shall be claimable from the Commissioner under rule 60 unless notice in writing of the occurrence of the circumstances giving rise to such claim or of the commencement of circumstances which may give rise to such claim has been given to the Commissioner by the person who paid the tax or his agent.

(*2*) If such notice is not received by the Commissioner within three days of the occurrence or commencement of the circumstances as aforesaid, the period previous to the date of the receipt of the notice shall be excluded in computing the period referred to in rule 60, for the purposes of granting any refund.

(*3*) It shall be in the discretion of the Commissioner to disallow any claim for refund of the tax, unless application claiming such refund is made to him in writing before the expiry of fifteen days after the end of the half year to which the claim relates and is accompanied by the bill served on the applicant under rule 39 for the amount of the tax from which the refund is claimed or, if no bill was served, the official receipt for such amount.

**Refund of octroi or toll on export.**

62. Subject to the standing orders, not less than ninety per cent. of the octroi paid on any goods shall be refunded if such goods are exported beyond the limits of the City within six months of payment:

Provided that—

(*a*) an application for refund shall be made within one week of the date of exportation;

(*b*) the amount due for refund shall not be less than five rupees;

(*c*) in the case of goods which have broken bulk, prior intimation has been given to the officer specified in this behalf in the standing orders and the place or places of storage have been reported to him from time to time.

**Refunds of Theatre Tax.**

63. (*1*) The Commissioner shall refund the amount of the Theatre-Tax paid in respect of a particular performance if he is satisfied, on the evidence placed before him and after such further inquiry, if any, as he may deem necessary—

(*a*) that such performance did not actually take place and that the amount, if any, collected from intending spectators has been refunded in full; or

(*b*) that the whole of the net proceeds of such performance are devoted to a public charitable purpose and that the whole of the expenses of such performance do not exceed twenty per cent. of the gross receipts.

(*2*) It shall be in the discretion of the Commissioner to disallow any claim for refund of the tax unless application claiming such refund is made to him in writing within three days of the day on which the intended performance in respect of which the tax was paid was due to take place or within seven days of the date of the performance, as the case may be.

## CHAPTER IX.

### DRAINAGE AND DRAINAGE WORKS.

Buildings etc., not to be erected without permission over municipal drains.

1. (*1*) Without the written permission of the Commissioner, no building, wall or other structure shall be newly erected, and no street or minor railway shall be constructed over any municipal drain.

(*2*) If any building, wall or other structure be so erected, or any street or minor railway be so constructed, the Commissioner may remove or otherwise deal with the same as he shall think fit, and the expenses thereby incurred shall be paid by the person offending.

Buildings, etc., not to be erected without permission over any drains.

2. (*1*) Without the written permission of the Commissioner, no building, wall or other structure shall be newly erected over any drain other than a municipal drain except as may be required under sub-rule (3).

(*2*) If any building, wall or other structure be so erected, the Commissioner, after giving the offending person ten days' notice of his intention, may remove or otherwise deal with the same as he shall think fit, and the expenses thereby incurred shall be paid by the person offending.

(*3*) The Commissioner may by notice in writing require the owner or occupier of any building or land to which access from a public street cannot be provided except by crossing an open municipal drain, channel, ditch or gutter to provide culverts or coverings over the said drain, channel, ditch or gutter of such form, size, and materials and provided with such means of ventilation as may be specified in the said notice.

(*4*) Every culvert or covering provided in accordance with sub-rule (3) shall be maintained and kept free from obstructions by the said owner or occupier at his expense.

Drains not to pass beneath buildings.

3. Except with the written permission of the Commissioner, and in conformity with such conditions as shall be prescribed by the Standing Committee generally in this behalf, no drain shall be so constructed as to pass beneath any part of a building.

Provision of troughs and pipes to receive water from roofs of buildings.

4. The Commissioner may, by notice in writing, require the owner of any building in any street to put up and maintain in good condition proper and sufficient troughs and pipes for receiving and carrying the water from the roof and other parts of the building and for discharging the water so that it shall not fall upon any street or damage any street or other property vested in the Corporation.

*Drains of Private Streets and Drainage of Premises.*

Power to connect drains of private street with municipal drains.

5. (*a*) The owner of a private street before commencing to construct a drain of such street to connect with a municipal drain shall submit to the Commissioner a plan of the street, bearing the signature of a licensed surveyor in token of its having been made by him or under his supervision, and drawn to such a convenient scale as the Commissioner shall require, and there shall be shown on such plan the position, course and dimensions of the proposed drain, with a section or sections thereof, and such other particulars in relation thereto as the Commissioner shall deem necessary and require, and no such drain shall

be proceeded with without the approval in writing or contrary to the directions of the Commissioner;

(*b*) the drain of such private street shall, at the expense of the owner of the street, be constructed of such size, material and description, and be branched into the municipal drain in such manner and form of communication in all respects, as the Commissioner shall direct;

(*c*) the Commissioner may, if he thinks fit, construct such part of such drain and such part of the work necessary for branching the same into the municipal drain as shall be in or under any public street or place vesting in the Corporation and, in such case, the expenses incurred by the Commissioner shall be paid by the owner of the private street.

Drainage of courts, yards and compounds appurtenant to, or giving access to buildings.

6. If any court, yard or compound appurtenant to, or any passage giving access to, a building is not so formed, flagged, asphalted or paved, or is not provided with such works on, above or below its surface as to allow of the satisfactory drainage of its surface or sub-soil to a proper outfall, the Commissioner may by written notice require the owner of the building to execute such works as may in the opinion of the Commissioner be necessary to remove the defect.

*Explanation.*—This rule shall also apply in relation to any court, yard, compound or passage which is used in common by the occupiers of two or more buildings but is not a public street.

Special provision relating to trade effluent.

7. (*1*) No trade effluent shall be discharged from any trade premises into a municipal drain otherwise than in accordance with a written notice, hereinafter referred to as " a trade effluent notice " served on the Commissioner by the owner or occupier of the premises, stating—

(*a*) the nature or composition of the trade effluent;

(*b*) the maximum quantity of the trade effluent which it is proposed to discharge in any one day; and

(*c*) the highest rate at which it is proposed to discharge the trade effluent, and no trade effluent shall be discharged in accordance with such a notice until the expiration of a period of two months, or such less time as may be agreed to by the Commissioner, from the day on which the notice is served on the Commissioner hereinafter referred to as " the initial period ".

(*2*) Where a trade effluent notice in respect of any premises is served on the Commissioner, he may, at any time within the initial period, give to the owner or occupier, as the case may be, of those premises a direction that no trade effluent shall be discharged in pursuance of the notice until a specified date after the end of the initial period; and, in so far as the discharge of any trade effluent in accordance with the trade effluent notice requires the consent of the Commissioner in order to be lawful, the Commissioner may give that consent either unconditionally or subject to such conditions as he thinks fit to impose in respect to—

(*a*) the drain or drains into which any trade effluent may be discharged in pursuance of the trade effluent notice;

(*b*) the nature or composition of the trade effluent which may be so discharged;

(*c*) the maximum quantity of any trade effluent which may be so discharged on any one day, either generally or into a particular drain;

(*d*) the highest rate at which any trade effluent may be discharged in pursuance of the trade effluent notice, either generally or into a particular drain; and

(*e*) any other matter with respect to which by-laws may be made under this Act ;

but any such condition as aforesaid shall be of no effect if and so far as it is inconsistent with any by-laws so made which are for the time being in force.

Position of cesspools.

8. No person shall construct a cesspool—

(*a*) beneath any part of any building, or within twenty feet [1][of] any lake, tank, reservoir, stream, spring, or well ; or

(*b*) upon any site or in any position which has not been approved in writing by the Commissioner.

All drains and cesspools to be properly covered and ventilated.

9. (1) Every drain and cesspool, whether belonging to the Corporation or to any other person, shall be provided with proper traps and coverings and with proper means of ventilation.

(2) The Commissioner may, by written notice, require the owner of any drain or cesspool not belonging to the Corporation to provide and apply to the said drain or cesspool such trap and covering and such means of ventilation as would be provided and applied if such drain or cesspool belonged to the Corporation.

Excrementitious matter not to be passed into cesspool.

10. No person shall, except with the permission of the Commissioner, pass or cause or permit to be passed any excrementitious matter into any cesspool made or used under the provisions of this Act or into any drain communicating with any such cesspool.

Power of Commissioner to require adequate water-closet and other accommodation to be made.

11. (1) Where any premises are without a water-closet, or privy, or urinal or bathing or washing place or if the Commissioner is of opinion that the existing water-closet, or privy, or urinal, or bathing or washing place accommodation, available for the persons occupying or employed in any premises is insufficient, inefficient or on any sanitary grounds objectionable, the Commissioner may, by written notice, require the owner of such premises :—

(*a*) to provide such, or such additional, water closet, privy, urinal, or bathing or washing place accommodation as he prescribes ;

(*b*) to make such structural or other alterations in the existing water-closet, privy, urinal, or bathing or washing place accommodation as he prescribes ; or

(*c*) to substitute water-closet accommodation for any privy accommodation.

(2) Any requisition under sub-rule (1) may comprise any detail specified in sub-section (2) of section 178.

Power to require privy accommodation to be provided for factories, etc.

12. Where it appears to the Commissioner that any premises are, or are intended to be, used as a market, school or theatre or other place of public resort, or as a place in which persons exceeding ten in number are employed in any manufacture, trade or business or as workmen or labourers, the Commissioner may, by written notice, require the owner or occupier of the said premises to construct a sufficient number of water-closets or latrines or privies and urinals for the separate use of each sex and to cause the same to be kept in proper order and to be daily cleaned.

Power of Commissioner as to unhealthy privies.

13. Where the Commissioner is of opinion that any privy is likely, by reason of its not being sufficiently detached from any building, to cause injury to the health of any person occupying such building, the Commissioner, with the previous approval of the Standing Committee, may, by written notice, require the owner or occupier of the premises in or on which such privy is situated either :—

(*a*) to so close up such privy as to prevent any person using the same, and to provide in lieu thereof such water-closet or privy accommodation or such urinal accommodation as the Commissioner may prescribe, or

[1] This word was substituted for the word " or " by Bom. 39 of 1951, s. 3, Second Schedule.

(*b*) to provide between the said privy and any portion of the said building such air-space, open to the sky and situate entirely within the limits of the said premises, as the Commissioner may prescribe.

Provisions as to privies.

14. (1) The owner or occupier of any premises on which there is a privy, shall—

(*a*) have between such privy and any building or place used or intended to be used for human habitation, or in which any person may be or may be intended to be employed in any manufacture, trade or business, an air space of at least three feet in width and open to the sky ;

(*b*) have such privy shut off by a sufficient roof and wall, or fence, from the view of persons dwelling in the neighbourhood or passing by ;

(*c*) unless and except for such period as he shall be permitted by the Commissioner as hereinafter provided to continue any existing door or trap-door, close up and not keep any door or trap-door in such privy opening on to a street :

Provided that—

(1) clause (*a*) shall not be deemed to apply to any privy in existence on the appointed day unless—

(i) there is space available on the premises of the owner or occupier for the erection of a new privy conformably to the said clause ; and

(ii) the existing privy can be removed and a new one erected as aforesaid without destroying any portion of a permanent building other than the existing privy ;

(2) the Commissioner may permit the continuance for such period as he may think fit of any existing door or trap-door in a privy opening on to a street if a nuisance is not thereby created.

Provisions as to water closets.

15. The owner or occupier of any premises on which there is a water-closet shall—

(*a*) have such water-closet divided off from any part of a building or place used or intended to be used for human habitation, or in which any person may be or may be intended to be employed in any manufacture, trade or business, by such means as the Commissioner shall deem sufficient :

(*b*) have such water-closet in such a position that one of its sides at the least shall be an external wall ;

(*c*) have the seat of such water-closet placed against an external wall ;

(*d*) cause such water-closet to be provided with such means of constant ventilation as the Commissioner shall deem adequate, by a window or other apurture in one of the walls of such water-closet opening directly into the external air, or by an air-shaft or by some other suitable method or appliance ;

(*e*) have such water-closet supplied by a supply-cistern and flushing apparatus and fitted with a soil-pan or receiver and such other appliances of such materials, size and description as the Commissioner shall deem necessary :

Provided always that a cistern from which a water-closet is supplied shall not be used, or be connected with another cistern which is used, for supplying water for any other purpose ;

(*f*) have flushing cisterns of such materials, size and description supplied with a constant and sufficient supply of water for flushing and cleaning the water-closet as the Commissioner may deem necessary.

Position of privies and water-closets.

16. No person shall build a privy or water-closet in such a position or manner as—

(*a*) to be directly over or directly under any room or part of a building other than a privy or water-closet or a bathing place, bath-room or gallery, passage or terrace;

(*b*) to be within a distance of twenty feet from any well or from any spring, tank or stream the water whereof is, or is likely to be, used (whether in a natural or manufactured state) for human consumption or domestic purposes or otherwise render the water of any well, spring, tank or stream liable to pollution.

Control over water-closets etc. in, or accessible from, streets.

17. (*1*) No public water-closet, privy or urinal other than a water-closet, privy or urinal erected within railway premises or erected by the Government shall be erected in, or so as to be accessible from, any street without the consent of the Commissioner who may, in giving his consent, impose such terms as to the use of the water-closet, privy or urinal and as to its removal at any time, if required by him, as he thinks fit.

(*2*) The Commissioner may, by written notice require—

(*a*) the owner of a water-closet, privy or urinal which has been erected in contravention of sub-rule (1) or the removal of which the Commissioner is entitled to require, to remove it;

(*b*) the owner of a water closet, privy or urinal which opens on a street and is so placed or constituted as to be a nuisance or offensive to public decency to remove or permanently to close it.

Use of places for bathing or washing clothes or domestic utensils.

18. No person shall use or permit to be used as a bathing place, or as a place for washing clothes or domestic utensils, any part of any premises which has not been provided with such floor as the Commissioner considers suitable and with all such appliances and fittings as shall, in the opinion of the Commissioner, be necessary for collecting the drainage thereof and conveying the same therefrom.

Work to be done by licensed plumber: permission to use as drain.

19. (*1*) No person other than a licensed plumber shall execute any work described in this Chapter or in Chapter XII of this Act and no person shall permit any such work to be executed except by a licensed plumber:

Provided that if, in the opinion of the Commissioner, the work is of a trivial nature, he may grant permission in writing for the execution of such work by a person other than a licensed plumber.

(*2*) Every person who employs a licensed plumber to execute any such work shall, when so required, furnish to the Commissioner the name of such plumber.

(*3*) Every such person shall, within one month after completion of any such work and before permitting the same or any portion thereof to be filled in or covered over, deliver or send or cause to be delivered or sent to the Commissioner at his office notice in writing of the completion of such work, accompanied by a certificate in such form as the Commissioner may from time to time prescribe signed by the licensed plumber by whom the same has been executed, who is hereby required immediately upon completion of the work and upon demand by the person employing him to sign and give such certificate to such person, and shall give to the Commissioner all necessary facilities for the inspection of such work:

Provided that—

(*a*) such inspection shall be made within seven days from the date of receipt of the notice of completion, and

(*b*) the Commissioner may, within seven days after such inspection, by written intimation addressed to the person from whom the notice of completion was received and delivered at his address as stated in such notice, or, in the absence of such address, affixed to a conspicuous part of the premises in which such work has been executed—

(i) give permission for the filling in or covering over of such work; or

(ii) require that, before such work is filled in or covered over, it shall be amended to the satisfaction of the Commissioner in any particular respect of which it is not in accord with a requisition previously made by the Commissioner or contravenes some provision of this Act or of the rules or by-laws.

(4) No person shall permit any such work to be used as a drain or part of a drain until—

(*a*) the permission referred to in proviso (*b*) to sub-rule (3) has been received; or

(*b*) the Commissioner has failed for fourteen days after receipt of the notice of completion to intimate as aforesaid his refusal of permission for the filling in or covering over of such work.

*Manner of erecting shafts or affixing pipes for ventilation of drains or cesspools.*

Erection of shafts etc. for ventilation of drains or cesspools.

20. Any shaft or pipe erected or affixed by the Commissioner for the purposes of ventilating any drain or cesspool under section 175 shall—

(*a*) be carried at least fifteen feet higher than any sky-light or window situated within a distance of forty feet therefrom;

(*b*) if the same be affixed to a wall supporting the eave of a roof, be carried at least five feet higher than such eave;

(*c*) be erected or affixed so as to create the least practicable nuisance or inconvenience to the inhabitants of the neighbourhood;

(*d*) be removed by the Commissioner to some other place, if at any time the owner of the premises, building or tree upon or to which the same has been erected or affixed is desirous of effecting any change in his property which either cannot be carried out, or cannot without unreasonable inconvenience be carried out, unless the shaft or pipe is removed.

## CHAPTER X.

### WATER SUPPLY.

Definitions.

1. In this Chapter, unless there is anything repugnant in the subject or context,—

(*a*) "communication pipe" means a pipe extending from a municipal main up to and including the municipal stop-cock;

(*b*) "consumer" means any person who uses or is supplied with water from a municipal water work or on whose application such water is supplied and includes any person liable to the Corporation under the provisions of this Act for the payment of water tax or any sum for the water supplied from a municipal water work;

(*c*) "consumer's pipe" means a pipe used in connection with the supply of water from any municipal water work and which is not the property of the Corporation;

(*d*) "distributing pipe" means any pipe not subject to water pressure from a municipal water main;

(*e*) "fitting" includes a pipe, coupling, flange, branch, bend, stop, ferrule, stop tap, bib tap, spring tap, pillar tap, globe tap, ball cock, boiler, pump. meter, hydrant and any other apparatus or article used for the purpose of conveying or storing water supplied by the Corporation;

(*f*) "municipal stop cock" means the stop cock which controls the supply of water from a municipal water main;

(*g*) "supply pipe" means the pipe extending from a municipal stop cock up to the ball cock of the storage tank, if any, and any pipe subject to pressure from a municipal water main.

*Private water-supply.*

Conditions on which private water supply may be provided.

2. (*1*) Subject to the provisions of sub-rules (2), (3), and (4), supply pipes for conveying to any premises a private supply of water from a municipal water work shall not be connected with such water work except on the written application or with the written assent of the owner of the premises, or of the person primarily liable for the payment of property-taxes on the said premises.

(*2*) If it shall appear to the Commissioner that any premises situate within any portion of the City in which a public notice has been given by the Commissioner under clause (*b*) of sub-section (*1*) of section 130, are without a supply of pure water obtainable on the premises and adequate to the requirements of the persons usually occupying or employed upon the said premises, the Commissioner may, by written notice, require the owner of the said premises or the person primarily liable for the payment of property-taxes thereon, to obtain a supply adequate as aforesaid from a municipal water work and to provide supply and distributing pipes, cisterns and fittings and do all such works as may in the opinion of the Commissioner be necessary for that purpose.

(*3*) If the written assent of the owner of any premises or of the person primarily liable for the payment of property taxes referred to in sub-rule (1) is withheld from a tenant of such premises who applies for such assent, such tenant may appeal to the Commissioner who shall, if he is satisfied that the assent has been unreasonably withheld and if the provisions of sub-rule (2) are satisfied, give notice as provided therein.

(*4*) The Commissioner may refuse to grant a connection under this rule in respect of any premises if he is satisfied that the arrangements for draining waste water from such premises are inadequate or that the supply of water through communication pipes is likely to cause such premises to be in an insanitary condition or to create a nuisance, unless such measures as he may direct are carried out for disposing of the waste water or for preventing the creation of insanitary conditions or a nuisance.

Making and renewing connection with municipal waterworks.

3. (*1*) No connection with any municipal water-work shall be made or renewed—

(*a*) except by a municipal officer or servant empowered in that behalf by the Commissioner; and

(*b*) until the certificate specified in sub-rule (4) has been given.

(*2*) In every case where a new connection with a municipal water-work is made or an existing connection is renewed all necessary communication-pipes and fittings thereon shall be supplied by the Commissioner,

and the work of laying and applying such communication-pipes and fittings shall be executed by municipal agency under the Commissioner's orders, but the cost of making or renewing such connection and of all communication-pipes and fittings so supplied and of all work so executed, shall be paid by the person on whose application or for whose premises the connection is made or renewed.

(*3*) Every such new connection or renewed connection with its communication-pipes and fittings shall thereafter vest in the Corporation and be maintained at the charge of the Municipal Fund as a municipal water-work.

(*4*) All supply and distributing pipes and cisterns and fittings not vesting in the Corporation as aforesaid shall be laid and applied under the supervision and to the satisfaction of a municipal officer appointed by the Commissioner in that behalf, who shall give and sign a certificate, free of charge, when such supply and distributing pipes, cisterns and all necessary fittings have been laid, applied and executed in a satisfactory manner and when proper and sufficient arrangements have been made for draining off waste water.

(5) Where any supply or distributing pipe, cistern or such fitting is laid, applied, added to or altered, or any connection is made in contravention of this rule the Commissioner may remove such supply or distributing pipe, cistern, fitting or connection, or additions or alterations thereto, and make good such pipe, cistern, fitting or connection; and the owner and occupier of the premises in which or for supply to which such supply or distributing pipe, cistern or fitting has been laid, applied, added to or altered or such connection has been made, shall be jointly and severally liable to pay the expenses incurred by the Commissioner in so doing.

Commissioner may take charge of private connections.

4. (*1*) The Commissioner may, by agreement with a consumer, take charge on behalf of the Corporation of all or any of the consumer's pipes and fittings:

Provided that if any of such pipes or fittings are communication-pipes or fittings only not vesting in the Corporation, the Commissioner may, if he thinks fit, take charge of the same without such agreement.

(*2*) Any consumer's pipes and fittings, of which the Commissioner takes charge under this rule, shall thereafter vest in the Corporation and be maintained at the charge of the Municipal Fund as a municipal water-work.

Power of Commissioner to alter position of connections.

5. The Commissioner may, if at any time he deems it expedient to alter the position of an existing connection with any municipal water-work, or of any consumer's pipe or fitting thereof, and after giving to the owner of such connection, pipe or fitting not less than four days' previous notice of his intention so to do, cause the said connection, pipe or, fitting to be moved to such other position as he thinks fit and relaid and applied or others to be laid and applied in lieu thereof, in such position as he may direct; and in every such case all such work shall be carried out at the expense of the Municipal Fund and such new connection, pipe and fitting shall thereafter vest in the Corporation and be maintained at the charge of the Municipal Fund as a municipal water-work.

Provisions as to cisterns and other fittings, etc., to be used for connections with water-work.

6. (*1*) The Commissioner may, whenever it shall appear to him to be necessary, by written notice require the owner of any premises furnished with a private water supply from any municipal water-work to provide such premises, within a reasonable period which shall be prescribed in the said notice, with cisterns and fittings of such size, material, quality and description and placed in such position and with such safe and easy means of access as he thinks fit.

(*2*) The Commissioner may also in the like manner require the owner of any premises to provide such safe and easy means of access as he thinks fit to any existing cistern which on an examination under rule 11 is found to be not easily accessible.

(*3*) The Commissioner may, whenever it shall appear to him necessary or expedient to remove any cistern from any premises furnished with a private water supply, by written notice require the owner of such premises to remove such cistern with all fittings connected therewith from such premises within a period prescribed in the notice.

(*4*) The Commissioner shall also from time to time prescribe the size, materials, quality, description and position of the pipes and fittings to be employed for the purpose of any connection with, or of any communication from, any municipal water-work and no such connection or communication shall be made by any person otherwise than as so prescribed.

(*5*) The Commissioner shall likewise prescribe the size, material, quality and description of the pipes, cistern and fittings to be employed for the purpose of replacing any pipes, cisterns and fittings found on an examination under rule 11 to be so defective that they cannot be effectively repaired.

(*6*) If any connection or communication other than that prescribed in sub-rule (4) is found in or upon any premises it shall be presumed, until the contrary is proved, that such connection or communication was made by or under the direction of or with the permission of the owner of such premises.

(*7*) The Commissioner may issue orders providing for the stamping by municipal agency of all pipes, taps, cocks, fittings and materials to be employed for the puropses of any connection or communication with any municipal water-work and such orders may provide for the payment of a fee for such stamping and prohibit the use in any of the said connections or communications of any pipes, taps, cocks, fittings or materials other than those so stamped.

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7. (*1*) The Commisioner may, by written notice, require the owner of any premises furnished with a cistern or in respect of which the Commissioner has required a cistern to be furnished, to provide such cistern with a lock and key of such pattern, material and quality as the Commissioner shall in such notice prescribe, and may in like manner require any lock or key found to be defective on an inspection under rule 11 to be replaced.

(*2*) Every cistern so provided with a lock shall be kept permanently locked and the key shall then be delivered to the Commissioner.

Communication pipes to be kept in efficient repair by owner or occupier of premises.

8. (*1*) It shall be incumbent on the owner or occupier of any premises to which a private water-supply is furnished from any municipal water-work, to keep in a thoroughly clean condition and to maintain and keep

in efficient repair every supply and distributing pipe conveying water from the said water-work to such premises and every meter for measuring water, not being a municipal meter, and every cistern and fitting in or connected with any such pipe, so as effectually to prevent the water from running to waste.

(2) When an occupier of any premises is served with a notice under sub-rule (2) of rule 11 he may, after giving to the person to whom he is responsible for the payment of his rent three days' notice in writing, himself have the repairs executed and in such event he shall, unless the terms of the tenancy otherwise expressly provide, be entitled to deduct from any rent due or to become due by him to such person the actual expenses incurred by him in complying with the notice served under sub-rule (2) of rule 11.

Provision of meters when water is supplied by measurement.

9. (*1*) Where water is supplied by measurement, the Commissioner may either provide a meter and charge the consumer for the same such rent as shall from time to time be prescribed in this behalf by the Standing Committee or may permit the consumer to provide a meter of his own of such size, material and description as the Commissioner shall approve for this purpose.

(*2*) The Commissioner shall at all times keep all meters and other instruments for measuring water, let by him for hire to any person, in proper order for correctly registering the supply of water, and in default of his so doing such person shall not be liable to pay rent for the same during such time as such default continues.

(*3*) (*a*) Any consumer to whom a meter is let out on hire under sub-rule (1) may apply in writing to the Commissioner at any time to have the meter tested and every such application shall be accompanied by such fee as the Commissioner may from time to time prescribe.

(*b*) Upon receipt of such application and fee the Commissioner shall forthwith issue a notice to the consumer prescribing the time and place for testing such meter and shall cause such meter to be tested at such time and place.

(c) If upon such test such meter is found to be incorrect by more than two per cent. the fee paid by the consumer shall be repaid to him and the Commissioner shall cause steps to be taken forthwith for the repair or replacement of the meter.

Register of meter to be evidence.

10. Where water is supplied by measurement, the register of the meter or other instrument for measuring water shall be *prima facie* evidence of the quantity consumed.

*Inspection.*

Commissioner etc., may inspect premises in order to examine meter, communication pipes, etc.

11. (*1*) The Commissioner may make an inspection of any premises to which a private water supply is furnished by the Corporation, in order—

(*a*) to remove, test, examine and replace any meter for measuring water ;

(*b*) to examine any supply or distributing pipe, cistern, lock or fitting ; or

(c) to see if there be any waste or misuse of water.

(2) The Commissioner may by written notice, require the owner or occupier of the premises to remedy any defect which shall be found to exist in or to clean any such meter, not being a municipal meter let to him for hire, or any such supply or distributing pipe, cistern, lock or fitting.

*Cutting off private water-supply.*

12. (*1*) The Commissioner may cut off the connection between any municipal water-work and any premises to which a private water-supply is furnished by the Corporation or turn off the water from such premises in any of the following cases, namely :— Power to cut off private water-supply or to turn off water.

(*a*) in default of payment of any instalment of water-tax or of any sum due for water or hire of meter or expenses of any work done under or by virtue of the provisions of rule 3, 9 or 17 within one month after a notice of demand for such tax or sum has been duly served ;

(*b*) if the owner of the premises neglects within the period prescribed in this behalf in any notice given under sub-rule (1), (2) or (3) of rule 6 or under rule 7, to comply with any requisition made to him by the Commissioner regarding the provision of any cistern, fitting, lock or key or any means of access to such cistern or the removal of any cistern ;

(*c*) if the owner or occupier of the premises fails, within the period prescribed in this behalf in any notice given under sub-rule (2) of rule 11, to comply with the terms of such notice or fails to use articles of the kind prescribed under sub-rule (5) of rule 6 ;

(*d*) if after receipt of a written notice from the Commissioner requiring him to refrain from so doing, the owner or occupier of the premises continues :—

(i) to use the water, or to permit the same to be used, in contravention of any by-law or of any condition prescribed under sub-section (2) of section 134 or under any other provision of this Act ;

(ii) when payment for the water is made not by measurement to permit any person not residing on premises in respect of which water-tax is paid or payment for the water supplied is made according to the size of the connection to carry away from such owner's or occupier's premises water derived from the municipal water-work ;

(*e*) if the owner or occupier of the premises wilfully or negligently injures or damages any meter, pipe, cistern or fitting or lock thereof in such premises ;

(*f*) if the owner or occupier of the premises fails to comply with any requisition made on him by the Commissioner under sub-rule (2) of rule 18 to furnish the name of the licensed plumber ;

(*g*) if the premises are declared to be unfit for human habitation under the provisions of this Act ;

(*h*) if excessive waste of water is taking place within any premises on account of damage to water-mains caused by accident or otherwise ;

(*i*) if any communication pipes or fittings have been laid, applied, added to or altered in contravention of the provisions of rule 6 ;

Provided that—

(i) in any case under clause (*a*) the Commissioner shall not take action unless not less than one month previously a copy of the notice of demand in respect of the tax or sum has been affixed to a conspicuous part of the premises;

(ii) in any case falling under clause (*b*), the Commissioner shall not take action unless not less than fifteen days previously a copy of the notice under sub-rule (1), (2) or (3) of rule. 6, or under rule 7, as the case may be, has been affixed to a conspicuous part of the premises;

(iii) in other cases the Commissioner shall not take action unless written notice of not less than twenty-four hours has been given to the owner or occupier of the premises.

(2) The expense of cutting off the connection or of turning off the water in any such case as aforesaid shall be paid by the owner or occupier of the premises.

(3) If in any case under clause (*a*) of sub-rule (1) the tax or sum due is paid within the period stipulated therein by any person or persons in occupation of the premises other than the persons primarily liable for the same, such person or persons shall be entitled to credit therefor in account with the person primarily liable and shall be entitled, without prejudice to any other remedy for recovery, to deduct the amount paid from any rent payable to the person primarily liable.

**Prohibition of fraud in respect of meters.**

13. (*1*) No person shall fraudulently—

(*a*) alter the index to any meter or prevent any meter from duly registering the quantity of water supplied;

(*b*) abstract or use water before it has been registered by a meter set up for the purpose of measuring the same.

(2) The existence of artificial means under the control of the consumer for causing any such alteration, prevention, abstraction or use shall be evidence that the consumer has fraudulently affected the same.

*General Provisions.*

**Prohibition of wilful or neglectful acts relating to water works.**

14. No person shall wilfully or negligently—

(*a*) injure or suffer to be injured any meter belonging to the Corporation or any of the fittings of any such meter;

(*b*) break, injure or open any lock, seal, cock, valve, pipe, work, engine, cistern or fitting appertaining to any municipal water-work;

(*c*) flush or draw off the water from any such water-work, thereby causing such water to be wasted;

(*d*) do any act or suffer any act to be done whereby the water in, or derived from, any municipal water-work shall be wasted;

(*e*) obstruct, divert or in any way injure or alter any water-main or duct;

(*f*) except with the permission of the Commissioner, open, break, injure or tamper with any lock furnished under the provisions of this Act;

(*g*) foul or pollute or otherwise render unfit for human consumption the water contained in any municipal water work.

**Compensation to be payable by offenders against rule 13 or 4.**

15. Compensation shall be paid by the offender for any damage which the Corporation sustains by reason of any contravention of rule 13 or rule 14.

What persons to be liable for offences under certain provisions of this Act.

16. If it shall be shown that an offence against some provision of this Act or against some rule or by-law relating to water-supply has occurred on any premises to which a private supply of water is furnished by the Corporation, the owner, the person primarily liable for the payment of water tax and the occupier of the said premises shall be jointly and severally liable for the same.

Commissioner may execute works under this Chapter without allowing option to persons concerned of executing the same.

17. (*1*) The Commissioner may, if he thinks fit, cause any work described in this Chapter to be executed or any cistern to be supplied with a lock and key by municipal or other agency under his own orders, without first of all giving the person by whom the same would otherwise have to be executed or supplied the option of doing or supplying the same.

(*2*) The expenses of any work so done or of supplying such lock and key shall be paid by the person aforesaid, unless the Corporation shall, by a general or special order or resolution, sanction, as it is hereby empowered to sanction, the execution of such work or the supply of such lock and key at the charge of the Municipal Fund.

Work under this Chapter to be done by licensed plumber.

18. (*1*) No person other than a licensed plumber shall execute any work described in this Chapter, other than the provision of a lock and key and no person shall permit any such work to be executed except by a licensed plumber.

(*2*) Every person who employs a licensed plumber to execute any such work shall, when so required, furnish to the Commissioner the name of such plumber.

(*3*) Where any person causes or permits any pipe, cistern or fitting or other work necessary for conveying a private supply of water from a municipal water work into any premises to be laid, applied or executed in contravention of sub-rule (1), he shall, in addition to being liable to the penalty prescribed for such contravention, not be entitled to an independent or branch connection until the defects, if any, in such pipe, cistern, fitting or work are removed to the satisfaction of the Commissioner.

## CHAPTER XI.

### STREETS.

### I. *Sky signs.*

Interpretation of sky sign.

1. (*1*) For the purposes of section 244 the expression " sky-sign " means any word, letter, model, sign, device or representation in the nature of an advertisement, announcement or direction, supported on or attached to any post, pole, standard frame-work or other support, wholly or in part upon or over any land, building or structure which, or any part of which sky-sign, shall be visible against the sky from some point in any street and includes all and every part of any such post, pole, standard framework or other support. It shall also include any balloon, parachute, or other similar device employed wholly or in part for the purposes of any advertisement, announcement or direction upon or over any land, building or structure or upon or over any street.

(*2*) A sky-sign shall not include—

(*a*) any flagstaff, pole, vane or weathercock, unless adapted or used wholly or in part for the purpose of any advertisement, announcement or direction;

(*b*) any sign, or any board, frame or other contrivance securely fixed to or on the top of the wall or parapet of any building, or on the cornice or blocking course of any wall, or to the ridge of a roof:

Provided that such board, frame or other contrivance be of one continuous face and not open work, and do not extend in height more than three feet above any part of the wall, or parapet or ridge to, against, or on which it is fixed or supported;

(*c*) any word, letter, model, sign, device, or representation as aforesaid, relating exclusively to the business of a railway administration, and placed wholly upon or over any railway, railway station, yard, platform or station approach belonging to a railway administration and so placed that it cannot fall into any street or public place;

(*d*) any notice of land or buildings to be sold, or let, placed upon such land or buildings.

II. *Naming or Numbering of Streets and Numbering of Houses.*

Naming or numbering of streets, and numbering of houses.

2. (*1*) The Commissioner may, from time to time—

(*a*) with the sanction of the Corporation, determine the name or number by which any street or any public place vested in the Corporation shall be known;

(*b*) cause to be put up or painted on a conspicuous part of any house at or near each end, corner or entrance to such street and at intervals along such street or on some convenient part of such street, the name or number of such street as so determined;

(*c*) cause to be put up or painted suitable signs or boards indicating the name of any public place vested in the Corporation;

(*d*) determine the number or sub-number by which any premises or part of such premises shall be known;

(*e*) by written notice require the owner of any premises or part of such premises, either to put up or paint the number or sub-number of such premises or part of such premises in such position and manner as may be specified in such notice, or to signify in writing his desire that the work shall be executed under the orders of the Commissioner.

*Explanation.*—The provisions of this sub-rule shall apply to the renewal of the name or number of any street or public place or the number or sub-number of any premises, or part thereof, or the obliteration or defacement of such name or number as it applies to the putting up or painting of such name or number for the first time.

(*2*) (*a*) No person shall, without the written permission of the Commissioner or without other lawful authority, destroy, remove, deface or in any way injure or alter any such name or number or sub-number or put up or paint any name or number or sub-number different from that put up or painted by order of the Commissioner.

(*b*) No person shall without the written permission of the Commissioner put up or affix any notice or board or advertisement within twelve inches of any name or number of a street or of a number or of a sub-number of any premises or part thereof, and the Commissioner may cause any such notice, board or advertisement which is affixed or put up without his permission to be removed and the expenses thereof shall be payable by such person.

(*3*) Where a number or sub-number is put up or painted on any premises or part thereof under the orders of the Commissioner in accordance with paragraph (*e*) of sub-rule (1), the expenses of such work shall be payable by the owner of the premises at such rate as the Commissioner may from time to time fix.

III. *Provisions concerning Private Streets.*

Information which may be called for from persons giving notice under section 217.

3. For the purposes of section 218 the Commissioner may call for from the person giving notice under section 217 all or any of the following documents :—

(i) correct plans and sections in duplicate of the proposed private street, which shall be drawn to a horizontal scale of not less than one and a half inches to ten feet and shall show thereon the level of the present surface of the ground above some known fixed datum near the same, the level and rate of inclination of the intended new street, the level and inclination of the streets with which it is intended to be connected, and the proportions of the width which are proposed to be laid out as carriage-way and foot-way respectively;

(ii) a specification with detailed description of the materials to be employed in the construction of the said street and its footpaths;

(iii) a plan showing the intended lines of drainage of such street and of the buildings proposed to be erected and the intended size, depth, and inclination of each drain, and the details of the arrangement proposed for the ventilation of the drains;

(iv) a plan showing each building plot with its dimensions and area and showing open spaces with their dimensions;

(v) a scheme accompanied by plans and sections for the laying out into streets, plots and open spaces of the other land of such persons or of so much of such other land as the Commissioner shall consider necessary.

## CHAPTER XII.

### Buildings Regulations and Building Loans.

Additional information and the attendance of the person who gave the notice may be required.

1. (*1*) If the notice given and the documents furnished under section 253 or section 254 do not supply all the information which the Commissioner deems necessary to enable him to deal satisfactorily with the case, the Commissioner may, at any time within thirty days after receipt of the said documents, by written notice, require the production of such further particulars and details as he deems necessary.

(2) At any time within the said period the Commissioner may also by written notice require the person who has given the notice to open for inspection any portion or portions of the intended foundations or any portion of the intended foundations or walls of an existing building.

*Forms of Notices.*

Printed forms of notices to be supplied to the public.

2. (*1*) The Commissioner shall cause printed forms of notices for the purpose of section 253 or 254 to be delivered to any person requiring the same on payment of such fee for each form as shall from time to time be prescribed in this behalf by the Commissioner with the approval of the Standing Committee.

When building or work may be proceeded with.

3. If within thirty days after receipt of any notice under section 253 or 254, or further information, if any, called for under rule 1, the Commissioner does not issue an order under sub-rule (1) or sub-rule (2) of rule 5 or fails to intimate in writing to the person who has given the said notice his disapproval of the building which the said person proposes to erect, or of the work which he proposes to execute;

or if, within the said period, the Commissioner signifies in writing to the said person his approval of the said building or work:

the said person may, subject to the provisions of sub-rules (3) and (4) of rule 5, at any time within one year from the date of the delivery of the notice to the Commissioner, proceed with the said building or work in accordance with his intention as described in the notice or in any of the documents aforesaid, but not so as to contravene any of the provisions of this Act or any rule or by-law.

Building or work which is disapproved by the Commissioner may be proceeded with subject to terms or shall not be proceeded with.

4. (*1*) If the Commissioner disapproves of any building or work of which notice has been given as aforesaid or of any portion or detail thereof, by reason that the same will contravene some provision of this Act or some rule or by-law or will be unsafe, he shall within thirty days of the receipt of the notice or of the plan, section, description or further information, if any, called for under rule 1 by a written notice intimate to the person who gave the notice first hereinbefore in this rule mentioned, his said disapproval and the reason for the same and prescribe terms subject to which the building or work may be proceeded with, or intimate that the work shall not be proceeded with.

(*2*) The person who gave the notice concerning any such building or work may proceed with the same, if expressly permitted to do so, subject to the terms prescribed as aforesaid but not otherwise, at any time within one year from the date of receipt by him under sub-rule (1) of the written notice containing express permission to do so in this behalf, but not so as to contravene any of the provisions of this Act or any rule or by-law.

Power to the Commissioner to withhold disposal of plans in certain circumstances.

5. (*1*) Notwithstanding anything contained in rules 3 and 4, if in any case it appears to the Commissioner that public improvements, which may render necessary the acquisition of the site of any building or work or any part of such site, are desirable and expedient, he may by order in writing direct that no further action should be taken in pursuance of a notice given under section 253 or section 254 for a period not exceeding three months from the date of such notice.

(*2*) The Commissioner may issue a like order if in any case it appears to him that any site as aforesaid is likely to be affected by any one of the following, namely :—

(*a*) prescribing a regular line of a public street;

(*b*) prescribing a fresh line in substitution of the existing regular line of a public street;

(*c*) extending or altering a public street;

(*d*) any scheme for widening or modifying a private street.

(*3*) If, within the said period of three months, the public improvements referred to in sub-rule (1) or any of the matters referred to in sub-rule (2) have been given final effect so as to have the result referred to in sub-rule (1) or sub-rule (2), the notice given under section 253 or section 254 shall be deemed to have lapsed.

(*4*) In any case not covered by sub-rule (3), the notice given under section 253 or section 254 shall be deemed to have been renewed as on the date on which the period of three months mentioned in sub-rule (1) expired.

When work may be commenced.

6. (*1*) No person shall commence to erect a new building or to execute any such work as is described in section 254—

(*a*) until he has given notice of his intention, as hereinbefore required, to erect such a building or execute such work and the Commissioner has either intimated his approval of such building or work or failed to intimate his disapproval thereof within the period prescribed in this behalf in rule 3 or 4 :

Provided that the provisions of rule 5 shall be taken into account in computing such period;

(*b*) until he has given notice to the City Engineer of the proposed date of commencement:

Provided that if the commencement does not take place within seven clear days of the date so notified, the notice shall be deemed not to have been given;

(*c*) until he has made such sanitary arrangements as the Commissioner may require for the workmen employed on the work;

(*d*) after the expiry of the period of one year prescribed in rules 3 and 4 respectively for proceeding with the same, or after the expiry of the period of one year from the date of the suspension or stoppage of such work when it is once commenced.

(2) If the person who is entitled under rule 3 or 4 to proceed with any building or work, fails so to do within the period of one year prescribed in the said rules, respectively, for proceeding with the same, he may at any subsequent time give fresh notice of his intention to erect such building or execute such work; and thereupon the provisions hereinbefore contained shall apply as if such fresh notice were a first notice of such person's intention.

*Provisions as to structure, materials, etc.*

Provisions as to buildings which are to be newly erected.

7. With respect to buildings which are to be newly erected the following provisions in addition to the provisions of the by-laws for the time being in force shall have effect, namely:—

(*a*) the erection of any such building on either side of a new street may be disapproved by the Commissioner, unless and until such new street has been levelled, metalled or paved, sewered and drained to the satisfaction of the Commissioner;

(*b*) the erection of any such building in any part of the City in which the position and the direction of the streets likely to be required in future have not yet been laid down or determined or in which it is deemed expedient to lay out a public street under section 205, shall, with the assent of the Standing Committee, be disapproved by the Commissioner, unless the site proposed for such building is, in the opinion of the Commissioner, such as, with reference to the positions occupied by the buildings, if any, already existing in the neighbourhood, will admit of the construction in the future of one or more new streets convenient for the occupiers of all the buildings in the neighbourhood and for the purposes of drainage, water-supply and ventilation:

Provided that any person whose building is so disapproved may, by written notice to the Commissioner, require that the position and direction of the future street or of the proposed public street under section 205 in the vicinity of his intended building be forthwith laid down and determined and if such requisition be not complied with within six months from the date thereof, may, subject to all other provisions of this Act and the rules applicable thereto, proceed with the erection of the building;

(*c*) the erection of any such building in any part of the City may be disapproved by the Commissioner if such building or any portion thereof comes within the line of any street the position and direction of which has been laid down by the Commissioner, with the approval of the Standing Committee, but which has not been actually constructed, or within the

regular line of a new public street or of the extension of an existing public street which the Commissioner has been authorised to lay out under section 205;

(*d*) the foundation of any such building shall not be constructed on any site which has been filled up with, or has been used as a place for depositing, excrementitious matter or the carcasses of dead animals or other filthy or offensive matter, until such matter shall have been properly removed or rendered innocuous to the satisfaction of the Commissioner;

(*e*) the subsoil of the site of a building shall, whenever the dampness or position of the site renders the precaution necessary, be effectually drained and the Commissioner may require such measures to be taken as will effectually protect the building from damp arising from the sub-soil.

Provision of sufficient means of egress.

8. (*1*) Where the Commissioner is of opinion that the means of egress from any building are insufficient to allow of safe exit in the event of fire, or are by any cause rendered inadequate he may, by written notice, require the owner or occupier of the building to alter or reconstruct any existing staircase, lobby, passage, or landing in such manner and with such materials or to provide such additional or emergency staircase or exits as he may prescribe.

(*2*) Every staircase, landing or common passage of every building on each floor shall be kept free from obstruction, and no person shall permit any article to remain in any staircase, landing or common passage of any building in such a manner as may impede the passage of persons into, through and out of the said building.

(*3*) The existence of any article in any such staircase, landing or a common passage in any building shall be *prima facie* evidence that it was placed or permitted to remain therein by the owner or occupier of the building.

*Inspection and occupation of buildings after completion.*

Inspection and occupation of buildings after completion.

9. For the purposes of section 263—

(*a*) inspection shall be commenced within seven days from the date of receipt of the notice of completion, and

(*b*) the Commissioner may, within seven days from the date of commencement of such inspection, by written intimation addressed to the person from whom the notice of completion was received, and delivered at his address as stated in such notice, or in the absence of such address, affixed to a conspicuous part of the building to which such notice relates:—

(i) give permission for the occupation of such building or for the use of the building or part thereof affected by such work, or

(ii) refuse such permission in case such building has been erected or such work executed so as to contravene any provisions of this Act or of the rules or by-laws, or

(iii) refuse such permission until a private street or other means of access to such building fixed and determined under section 220 has been properly constructed and approved by the Commissioner;

(iv) refuse such permission unless the site of the building, or adjacent sites, as the case may be, are properly cleansed by the removal of all surplus building materials, debris, earth, rubbish and the tools used for building purposes.

Building not to be converted to other purposes without permission of Commissioner.

10. No person shall, without the written permission of the Commissioner or otherwise than in conformity with the terms of such permission—

(*a*) use or permit to be used for human habitation any part of a building not originally constructed or authorised to be used for that purpose ;

(*b*) convert into, or use, or permit to be used, as a chawl or building intended to form a range of separate rooms for lodgers, a building not originally designed or authorised to be so used ;

(*c*) use or permit to be used any building or part of a building originally constructed or authorised to be used for human habitation as a godown, warehouse, workshop, factory, stable, motor-garage, shop, stall, market or bazaar ;

(*d*) make any alteration or cause any alteration to be made in an existing building originally constructed or authorised to be used for human habitation for the purposes of using it or causing it to be used as a godown, warehouse, workshop, workplace, factory, stable, motor-garage, shop, stall, market or bazaar ;

(*e*) use or permit to be used as a godown, warehouse, workshop, workplace, factory, stable, motor-garage, shop, stall, market or bazaar any building or part of a building not originally constructed or authorised to be used for any such purpose respectively.

*Explanation.*—" Chawl " shall mean a building consisting of two or more tenements having common sanitary and other amenities. If any question arises whether any building is a chawl, the decision of the Commissioner shall be final.

Alteration in buildings causing infringement of any rule or by-law not to be carried out.

11. No person shall make any alteration whatsoever in an existing building if the result of such alteration is that the requirements of this Act or of the rules or by-laws are contravened, notwithstanding that such alteration in itself does not require the permission or sanction of any authority under this Act.

Roofs and external walls of buildings not to be of inflammable materials.

12. (*1*) No external wall and no covering of a roof built or renewed since the appointed day shall, except with the written permission of the Commissioner, consist of wood, cloth, canvas, grass, leaves, mats or any other inflammable material.

(2) If any external wall or covering of a roof is or has been, before the appointed day constructed of any such material, the Commissioner may, by written notice, require the owner or occupier of the building to which such wall or roof appertains to remove such wall or covering.

(3) Where permission is given under sub-rule (1) or where any wall or roof is not required to be removed under sub-rule (2) the Commissioner may by order in writing require such precautions to be taken as he may specify against danger from fire.

Staircases, etc., to be lighted at night.

13. Where any staircase, passage or private court of or in a building divided into two or more separate tenements or the spaces near or leading to latrines or urinals or washing places therein are without any means of lighting at night time and of extinguishing such light or if the Commissioner is of opinion that the existing means of lighting a staircase, passage or private court of or in any such building or the spaces near or leading to latrines or urinals or washing places therein available for the persons occupying or employed in such building or the means of extinguishing any such light are insufficient the Commissioner may, by written notice, require the owner of such building—

(*a*) to provide, fit up and maintain such or such additional means of lighting the staircase, passage or private court or the spaces near

or leading to latrines or urinals or washing places as he may prescribe and keep them lighted until such time as he may specify in the notice;

(*b*) to provide the necessary lamps, brackets and the necessary supply of gas, electricity or any other means of lighting and all means of extinguishing any lights, which he is required to provide;

(*c*) to substitute for any existing means of lighting and extinguishing lights such other means of lighting or extinguishing lights, as he may prescribe.

Inspection of buildings by day or by night.

14. Any municipal officer or servant authorised by the Commissioner in this behalf may at any time between sunrise and sunset or up to 10 p.m. by night without notice enter any building for the purpose of ascertaining whether there is any contravention of the terms of any notice given under rule 13.

*Building Loans.*

Power of Commissioner to make advances for the purposes of increasing housing accommodation.

15. (*1*) Subject to the provisions of this Act, the Commissioner may, with the previous sanction of the Standing Committee, advance loans to persons or bodies of persons—

(*a*) constructing or altering or undertaking to construct or alter buildings intended for the poorer sections of the community,

(*b*) carrying out or undertaking to carry out repairs to such buildings in cases where the Commissioner considers that, having regard to the cost of those repairs or the financial position of the applicant, it is reasonable to give such assistance.

(*2*) Persons or bodies of persons desiring assistance by way of such advances may make an application to the Commissioner in such form as may be prescribed for a loan to be advanced by way of a mortgage on the security of the building to be so constructed, altered or repaired, and the Commissioner may after making such inquiry as he thinks necessary, and subject to the conditions mentioned in sub-rule (3) and such other conditions as the Corporation may prescribe advance such loan.

(*3*) Every such loan shall be subject to the following among other conditions:—

(*a*) that the building in respect of which the loan is to be advanced will when the construction, alteration or repair has been completed be in all respects fit for human habitation and shall be used wholly or mainly for residential purposes;

(*b*) that the period within which the loan shall be repayable shall not exceed thirty years from the date of the completion of the construction, alteration or repair of the building;

(*c*) that the amount of the loan shall not exceed sixty per cent. of the cost of the construction, alteration or repair of the building (including outhouses and other works, if any, connected therewith) irrespective of the period of repayment;

(*d*) that the aggregate amount of the loan shall not exceed ten thousand rupees in the case of any one person or body of persons;

(*e*) that the amount of the loan with interest thereon shall be secured by a mortgage of the building (including outhouses and

other works, if any, connected therewith) together with the site on which they are erected in favour of the Corporation containing such covenants and conditions as may be prescribed;

(*f*) that, where the property intended to be mortgaged includes a leasehold interest, no loan shall be made unless that interest is a term of years absolute whereof a period of not less than ten years in excess of the period for repayment of the loan remains unexpired at the date of the loan.

## CHAPTER XIII.

### Powers of Fire-Brigade Officers.

Powers of fire-brigade officers at a fire.

On the occasion of a fire the Chief or any other officer in charge of the fire-brigade may do all or any of the following acts:—

(*a*) remove, or order any fireman or other officer or person under his command to remove any persons who interfere by their presence with the operations of the fire-brigade;

(*b*) take generally any measures that appear expedient for the protection of life and property, with power, by himself or by the persons under his command, to break into or through or take possession of, or pull down any premises for the purpose of putting an end to or limiting the spread of such fire, doing as little damage as possible;

(*c*) cause the water to be shut off from the mains and pipes of any area in order to give a greater supply and pressure of water in the area in which the fire has occurred and utilize the water of any stream, tank, cistern, well or tank available for the purpose of extinguishing or limiting the spread of such fire;

(*d*) close any street or passage in or near the site of the fire;

(*e*) give orders for the rendering of such assistance as he may deem advisable by the person in charge of any fire-engine;

(*f*) use any premises for the passage of any hose or other appliance;

(*g*) take generally any measures that may appear necessary or expedient for the protection of life or property.

## CHAPTER XIV.

### Sanitary Provisions.

#### *Scavenging and Cleansing.*

Duty of owners and occupiers to collect and deposit dust etc.

1. (*1*) It shall be incumbent on the owners and occupiers of all premises to cause all dust, ashes, refuse, rubbish and trade refuse to be collected from their respective premises and to be deposited at such times in such manner and with such precautions as the Commissioner, by public notice, from time to time determines in the public receptacle, depot or place provided or appointed under section 292 for the temporary deposit or final disposal thereof:

Provided that the Commissioner may, if he thinks fit, by written notice require the occupier and owner of any premises or either of them to cause all dust, ashes, refuse and rubbish, but not trade refuse, to be collected daily, or

otherwise periodically from the said premises and deposited temporarily upon any place forming the part of the said premises which the Commissioner appoints in this behalf, and it shall be incumbent on the said occupier and owner or either of them to cause the said matters to be collected and deposited accordingly.

(*2*) It shall be incumbent on the owners of all premises to provide receptacles of a size and material to be prescribed by the Commissioner in such number and retained in such positions as the Commissioner may from time to time by written notice direct for the collection therein of all dust, ashes, refuse, rubbish and trade refuse to be collected from such premises and to keep such receptacles at all times in good repair and condition.

(*3*) It shall also be incumbent on the owners and occupiers or either of them of all premises, when required by the Commissioner by written notice so to do, to employ servants for the purpose of carrying out and complying with the requirements of sub-rule (1).

**Collection and removal of excrementitious and polluted matter when to be provided for by occupiers.**

2. It shall be incumbent on the occupier of any premises situate in any portion of the city for which the Commissioner has not given a public notice under clause (*a*) of sub-section (*1*) of section 131 and in which there is not a water-closet or privy connected with a municipal drain, to cause all excrementitious and polluted matter accumulating upon his premises to be collected and to be conveyed to the nearest receptacle or depot provided for this purpose, under clause (*d*) of section 292, at such times, in such vehicle or vessel, by such route and with such precautions, as the Commissioner by public notice from time to time specifies.

**Prohibition of failure to remove refuse, etc., when bound to do so.**

3. No person—

(*a*) who is bound under rule 1 or rule 2, to cause the removal of dust, ashes, refuse, rubbish and trade refuse or of excrementitious or polluted matter, shall allow the same to accumulate on his premises for more than twenty-four hours or shall keep the same otherwise than in a proper receptacle or neglect to cause the same to be removed to the depot, receptacle or place provided or appointed for the purpose;

(*b*) shall remove any dust, ashes, refuse, rubbish or trade refuse or any excrementitious or polluted matter, otherwise than in conformity with the requirements of any public or written notice for the time being in force under rule 1 or use for the removal of any excrementitious or polluted matter any vehicle or vessel not having a covering proper for preventing the escape of any portion of the contents thereof or of the stench therefrom;

(*c*) shall, whilst engaged in the removal of any dust, ashes, refuse, rubbish or trade refuse, or of any excrementitious or polluted matter, fail forthwith thoroughly to sweep and cleanse the spot in any street upon which, during removal, any portion thereof may fall and entirely to remove the sweepings;

(*d*) shall place or set down in any street any vehicle or vessel for the removal of excrementitious or polluted matter, or suffer the same to remain in any street for any greater length of time than is reasonably necessary;

(*e*) shall throw or place any dust, ashes, refuse, rubbish or trade refuse or any excrementitious or polluted matter, on any street, or in any place not provided or appointed for this purpose under section 292 or rule 1;

(*f*) who is the owner or occupier of any building or land, shall allow any filthy matter to flow, soak or be thrown therefrom, or keep or suffer to be kept therein or thereupon, anything so as to be a nuisance to any person, or

negligently suffer any privy-receptacle or other receptacle or place for the deposit of filthy matter or rubbish on his premises to be in such a state as to be offensive or injurious to health.

Presumption as to offender under [1][clause (c)] of rule 3.

4. If it shall in any case be shown that dust, ashes, refuse, rubbish or trade refuse or any excrementitious or polluted matter, has or have been thrown or placed on any street or place, in contravention of [1][clause (c)] of rule 3 from some building or land, it shall be presumed, until the contrary is proved, that the said offence has been committed by the occupier of the said building or land.

Removal of rubbish and filth accumulating in large quantities on premises.

5. (1) If any person who is bound under rule 1 to cause the collection and deposit of dust, ashes, refuse, rubbish and trade-refuse or under rule 2 to cause the collection and removal of excrementitious and polluted matter shall allow the same to accumulate on his premises for more than twenty-four hours or shall keep the same otherwise than in a proper receptacle or shall neglect to cause the same to be removed to the receptacle, depot, or place provided or appointed for the purpose, the Commissioner, may, in addition to the institution of any proceedings provided for in this Act, by written notice require such person to collect forthwith all such dust, ashes, refuse, rubbish and trade refuse or excrementitious or polluted matter accumulated thereon and remove the same forthwith in the manner and to the place provided by or under this Act.

(2) If such person shall fail to comply with the notice given under sub-rule, (1), the Commissioner may cause the dust, ashes, refuse, rubbish, and trade refuse or excrementitious or polluted matter, accumulated in such premises to be removed and such charge as the Commissioner may, with the sanction of the Standing Committee, fix, shall be paid by such person towards the cost of removal.

Contract with owner or occupier for removal of rubbish or filth.

6. The Commissioner may contract with the owner or occupier of any premises to remove rubbish or filth from such premises on such terms as to time, and period of removal and other matters as may seem suitable to the Commissioner, and on payment of fees at such rate as the Corporation may determine.

*Inspection and Sanitary Regulation of Premises.*

Removal of building materials from any premises may be required.

7. If it shall appear to the Commissioner that any tiles, stones, rafters, building materials, or debris of building materials are stored or collected in or upon any premises without the written permission of the Commissioner in such quantity or bulk or in such a way as to constitute a harbourage or breeding place for rats or other vermin or otherwise a source of danger or nuisance to the occupiers of the said premises or to persons residing in the neighbourhood thereof, the Commissioner may, by written notice, require the owner of such premises, or the owner of the materials or debris so stored or collected therein, to remove or dispose of the same or to take such order with the same, as shall in the opinion of the Commissioner be necessary or expedient to abate the nuisance or prevent a recurrence thereof.

Measures against rats, etc., may be required in respect of premises used for storage of goods.

8. Where it appears to the Commissioner that any building or part thereof used for the storage of goods is used in such manner as to afford harbourage to rats, mice or other animals susceptible to plague or other vermin, he may require the owner or occupier by written notice to take such steps for the destruction of the rats, mice or other animals, or other vermin as are specified in the notice or to carry out such works as will render the walls and floors of such building or part of a building proof against such infestation.

[1] This word, brackets and letter were substituted for the word, brackets and letter "clause (c)" by Bom. 39 of 1951, s. 3, Second Schedule.

Abandoned or unoccupied premises.

9. If any premises, by reason of abandonment or disputed ownership or any other reason, remain untenanted or unoccupied and thereby become a resort of disorderly persons or, in the opinion of the Commissioner, a nuisance, the Commissioner, after such inquiry as he deems necessary, may give written notice to the owner of such premises,if he be known and resident within the City, or to any person who is known or believed to claim to be the owner, if such person is resident within the City, and shall also affix a copy of the said notice on some conspicuous part of the said premises, requiring all persons having any right of property or interest therein to take such order with the said premises as shall in the opinion of the Commissioner be necessary to prevent the same from being resorted to as aforesaid or from continuing to be a nuisance.

Neglected premises or private streets.

10. (1) If it shall appear to the Commissioner that any premises are overgrown with rank and noisome vegetation or trees or undergrowth injurious to health or offensive to neighbouring inhabitants or are otherwise in an unwholesome or filthy condition or, by reason of their not being properly enclosed, are resorted to by the public for purposes of nature, or are otherwise a nuisance to the neighbouring inhabitants, the Commissioner may, by written notice, require the owner or occupier of such premises to cleanse, clear or enclose the same, or, with the approval of the Standing Committee, may require him to take such other order with the same as the Commissioner thinks necessary.

(2) If it shall appear to the Commissioner that any private street is overgrown with rank and noisome vegetation or is otherwise in an unwholesome or filthy condition, the Commissioner may by written notice require the owners of the several premises fronting or adjoining the said street or abutting thereon to cleanse or clear the same, or with the approval of the Standing Committee require them to take such other order with the same as the Commissioner may think necessary :

Provided that nothing herein contained shall affect the provisions of section 290.

(3) In so far as the unwholesome or filthy condition of such premises or such street or such nuisance as above mentioned is caused by the discharge from or by any defect in the municipal drains or appliances connected therewith,it shall be incumbent on the Commissioner to cleanse such premises or such street.

Nuisance arising from defective roof or from dampness rising through ground floor surface or through walls.

11. (1) If it shall appear to the Commissioner that any building or any part of a building is in such a state as to constitute a nuisance or to be likely to give rise to one by reason of rain water leaking from its roof or any part of its roof, or by reason of dampness rising through its ground floor surface or through its walls, the Commissioner may, by notice in writing, require the owner of such buildings to abate the nuisance or to prevent its recurrence within the time and by taking the measures and doing the acts to be specified in the notice.

(2) If at any time thereafter the Commissioner is of opinion that such a nuisance may recur he may, notwithstanding that the original nuisance may have been abated by the owner of the building under sub-rule (1), give a further, notice in writing to the said owner requiring him to abate the probable recurrence of the nuisance within the time and in the manner specified in the notice.

(3) If the owner of the building by whose act, default or sufference such nuisance has arisen or continues is unknown or cannot be found, the Commissioner may take such measures or cause such work to be executed or such things to be done, as shall in his opinion be necessary to abate such nuisance and to prevent its recurrence.

Power of Commissioner to call for statement of accommodation.

12. (*1*) The owner of a building shall, within a period of seven days after receipt of a written notice from the Commissioner, sign and give a certificate of the following particulars with respect to such building or any part thereof :—

(*a*) the total number of rooms in the building,

(*b*) the length, breadth and height of each room, and

(*c*) the name of the person to whom he has let the building or each part of the building occupied as a separate tenement.

(*2*) The occupier of a building or of any part of a building occupied as a separate tenement shall, on like notice, and within the like period, sign and give a certificate of the following particulars with respect to such building or part of such building as aforesaid which is in his occupation :—

(*a*) the total number of persons dwelling in the building or any part of it,

(*b*) the manner of use of each room by day and by night, and

(*c*) the number, sex and age of the occupants of each room used for sleeping.

Nuisance caused by smoke of kitchens in dwelling houses.

13. (*1*) If at any time it shall appear to the Commissioner that any chimney of a kitchen in a dwelling house is in such a state as to constitute a nuisance by reason of smoke emitted from it, the Commissioner may by notice in writing require the owner of such building to abate the nuisance or to prevent its recurrence within the time and by taking the measures and doing the acts to be specified in the notice.

(*2*) If at any time it shall appear to the Commissioner that in any dwelling house the smoke from the kitchen constitutes a nuisance for want of provision of any chimney the Commissioner may by notice in writing require the owner to take such measures and do such acts for abating the nuisance as may be specified in the notice.

(*3*) If the owner of the building by whose act, default or sufferance such nuisance has arisen or continues is unknown or cannot be found, the Commissioner may take such measures or cause such work to be executed or such things to be done as shall in his opinion be necessary to abate such nuisance and to prevent its recurrence.

Abatement of nuisance from dust, smoke, etc.

14. If in the opinion of the Commissioner the storage, dumping or deposit in any building or land of coal, charcoal, ashes, cinders, gunny bags, wool, cotton, or any material, or the sifting, breaking, cutting or burning of such coal, charcoal, ashes, cinders or material or subjecting the same to any process causes or is likely to cause nuisance to the inhabitants in the neighbourhood of such building or land, by the emanation of dust, floating particles, smoke, unwholesome smell or noise or otherwise, he may, by notice, require the owner or occupier of such building or land to take such steps as may be specified in the notice for the abatement of such nuisance.

Filling in of pools, etc., which are a nuisance.

15. (*1*) For the purpose of this rule, a nuisance shall include—

(*a*) any pool, swamp, ditch, tank, well, pond, quarry-hole, drain, water course or any collection of water;

(*b*) any cistern or other receptacle for water or any article or thing capable of collecting rain water during the monsoon season, whether within or outside a building;

(*c*) any land on which water accumulates or is likely to accumulate; or

(*d*) any premises or any part of any premises occupied, or unoccupied, or under construction, reconstruction, or demolition, which in the opinion of the Commissioner is, or is likely to become, a breeding place of mosquitoes.

or which is, in any other respect, a nuisance as defined in clause (40) of section *2*.

(2) The Commissioner may, by notice in writing, require the person by whose act, default or sufferance a nuisance arises, exists or continues, or is likely to arise, and the owner, lessee and occupier of the land, building or premises on which the nuisance arises, exists or continues or is likely to arise or any one or more of such person, owner, lessee, and occupier, to remove, discontinue or abate the nuisance by taking such measures and by executing such work in such manner and within such period of time as the Commissioner shall prescribe in such notice.

(3) The Commissioner may also by any notice under sub-rule (2) or by another notice, served on such person, owner, lessee and occupier, or on any one or more of them, require them, or any one or more of them, to take all steps requisite or necessary to prevent a recurrence of the nuisance and may, if he thinks it desirable, specify any work to be executed or measures to be carried out for that purpose and may serve any such further notice notwithstanding that the nuisance may have been abated or removed if he considers that it is likely to recur:

Provided that if at any time within four months from the date of the service of any such notice, the nuisance recurs through the failure of the person or persons upon whom such notice has been served to comply with the requirements contained in such notice, such person or persons shall be liable without any further notice to the penalties provided for offences under this rule.

(4) Where the nuisance arises or exists or is likely to arise or recur in connection with the construction, reconstruction or demolition of any premises, or any part of any premises, the Commissioner may, in addition to serving any notice or any one or more of the persons mentioned in sub-rule (2), serve any such notice on any architect, surveyor, contractor or other person employed to carry out such work of construction, reconstruction or demolition and also on any sub-contractor employed by such contractor or other person, or any one or more of such contractor, person and sub-contractor.

(5) The Commissioner may, by notice in writing, require any person, owner, lessee and occupier, or any one or more of them, to provide a ladder or ladders (either fixed or moveable) for the purpose of inspection of roof gutters by the municipal staff, if such gutters in any premises are likely to become a breeding place of mosquitoes due to the accumulation of water.

(6) If any person who, by a requisition made under sub-rule (2) or sub-rule (3), is required to fill up, cover over or drain off a well, delivers to the Commissioner, within the time prescribed for compliance therewith, written objections to such requisition, the Commissioner shall report such objections to the Standing Committee and shall make further inquiry into the case, and he shall not institute any prosecution under section 481 for failure to comply with such requisition except with the approval of the Standing Committee, but the Commissioner may nevertheless, if he deems the execution of the work called for by such requisition to be of urgent importance, proceed in accordance with section 479 and, pending the Standing Committee's disposal of the question whether the said well shall be permanently filled up, covered over or otherwise dealt with, may cause such well to be securely covered over so as to prevent the ingress of mosquitoes, and in every such case the Commissioner shall determine, with the approval of the Standing

Committee, whether the expenses of any work already done as aforesaid shall be paid by such person, or by the Commissioner out of the Municipal Fund or shall be shared, and, if so, in what proportions.

Permission for new well, etc.

16. (*1*) No new well, tank, pond, cistern or fountain shall be dug or constructed without the previous permission in writing of the Commissioner.

(2) If any such work is begun or completed without such permission, the Commissioner may either—

(*a*) by written notice require the owner or other person who has done such work to fill up or demolish such work in such manner as the Commissioner shall prescribe, or

(*b*) grant written permission to retain such work, but such permission shall not exempt such owner from proceedings for contravening the provisions of sub-rule (1).

Precautions in case of dangerous tanks, wells, holes, etc.

17. (*1*) If the Commissioner is of opinion that any tank, pond, well, hole, stream, dam, bank or other place is, for want of sufficient repair, protection or enclosure, dangerous to passersby, or to persons living in the neighbourhood, he may by written notice require the owner to fill in, remove, repair, protect or enclose the same so as to prevent any danger therefrom.

(2) If in the opinion of the Commissioner immediate action is necessary he may himself, before giving such notice or before the period of notice expires, take such temporary measures as he thinks fit to prevent danger and the cost of doing so shall be paid by the owner.

Power to order cleansing of insanitary private watercourse, spring, tank, well, etc., used for drinking.

18. (*1*) The Commissioner may by written notice require the owner of, or person having control over, any private watercourse, spring, tank, well or other place the water of which is used for drinking, bathing or washing clothes to keep the same in good repair, to cleanse it in such manner as the Commissioner may direct and to protect it from pollution caused by surface drainage or other matter in such manner as may be provided in the notice.

(2) If the water of any private tank, well, or other place which is used for drinking, bathing or washing clothes, as the case may be, is proved to the satisfaction of the Commissioner to be unfit for that purpose, the Commissioner may by notice require the owner or person having control thereof to—

(*a*) refrain from using or permitting the use of such water, or

(*b*) close or fill up such place or enclose it with a substantial wall or fence.

Duty of Commissioner in respect of public well or receptacle of stagnant water.

19. If it appears to the Commissioner that any public well or receptacle of stagnant water is likely to be injurious to health or offensive to the neighbourhood, he shall cause the same to be cleansed, drained, or filled up.

Dangerous quarrying may be stopped.

20. If, in the opinion of the Commissioner, the working of any quarry, or the removal of stone, earth or other material from any place, is dangerous to persons residing in or having lawful access to the neighbourhood thereof or creates or is likely to create a nuisance, the Commissioner may, with the approval of the Standing Committee, by written notice require the owner of the said quarry or place to discontinue working the same or to discontinue removing stone, earth or other material from such place, or to take such order with such quarry or place as he shall deem necessary for the purpose of preventing danger or of abating the nuisance arising or likely to arise therefrom.

Removal and trimming of trees, shrubs and hedges.

21. (*1*) If, in the opinion of the Commissioner—

(*a*) any hedge is at any time insufficiently cut or trimmed, or overgrown with prickly-pear or other rank vegetation;

(*b*) any tree or shrub has fallen or is likely to fall to the danger of public safety or overhangs or obstructs any street or street light to the inconvenience or danger of passengers therein;

(*c*) any tree situated within any premises has fallen or if any such tree or any branch or fruit thereof is likely to fall and is in any way dangerous to any person occupying, resorting to or passing by such premises or to any structure or place in the neighbourhood thereof; or

(*d*) any tree situated within any premises causes or is likely to cause inconvenience or nuisance to any person occupying such premises or any neighbouring premises,

the Commissioner may, by written notice, require the owner or occupier of the land on which such hedge, tree or shrub is or has been growing—

(i) to cut down such hedge to a height not exceeding four feet and to a width not exceeding three feet, and to remove any such prickly-pear or other rank vegetation therefrom; or

(ii) to remove, cut, lop or trim such tree or shrub or remove the fruit thereof, as the case may be.

(2) In any case falling under clause (*b*) or (*c*) of sub-rule (1) the Commissioner may, if for the public safety it shall appear to him necessay so to do, cause any tree or shrub to be removed, cut, lopped or trimmed or cause any fruit thereof to be removed or cause a part of a street to be fenced off or cause any other measures which he deems necessary to arrest the danger to be taken without previously giving the said owner or occupier notice as aforesaid, and the expenses thereof shall, nevertheless, be paid by the owner or occupier.

*Keeping and Destruction of Animals.*

**Prohibitions as to keeping animals.**

22. (*1*) No person shall—

(*a*) without the written permission of the Commissioner or otherwise than in conformity with the terms of such permission keep or allow to be kept in any part of the City any swine, horses, cattle, goats, sheep, donkeys or such other four-footed animals as the Commissioner may, from time to time, by public notice direct;

(*b*) feed any animal, or suffer or permit any animal, to be fed or to feed, with or upon excrementitious matter, dung, stable refuse or other filthy matter;

(*c*) keep any animal or bird on his premises so as to be a nuisance or so as to be dangerous.

(2) The Commissioner may—

(*a*) specify in the written permission the limit of the number of animals to be kept on particular premises, or

(*b*) refuse to give or renew permission if he shall be of opinion that the keeping of the animals on any premises is or is likely to be a nuisance or danger to any person or objectionable on sanitary grounds.

(3) Any swine found straying may be forthwith destroyed and the carcass thereof disposed of as the Commissioner shall direct, and no claim shall lie for compensation for any swine so destroyed.

(4) The Commissioner shall make provision for affixing marks for purpose of identification on animals in respect of which permission is granted under sub-rule (1).

**Tethering animals in excess of permitted number prohibited.**

23. No person shall tether any animal or cause or permit the same to be tethered beyond the limit authorised by any permission granted under rule 22 or allow any animal to stray at any place in any part of the City.

Stabling animals or storing grain in dwelling house may be prohibited.

24. Where a building or any portion thereof is used or intended to be used for human habitation and any portion of such building is used for any of the following purposes, namely:—

(*a*) for keeping any horse, cow, buffalo, bullock, goat, sheep or donkey, or

(*b*) as a godown or place for the storage, in connection with wholesale trade, of grain, seed or groceries, the Commissioner may, if it shall appear to him necessary for sanitary reasons to do so, by written notice require the owner or occupier of such building to discontinue the use of such building for any such purpose:

Provided that the Commissioner may permit such use subject to such conditions as he may think fit to prescribe.

*Regulation of Factories, Trades, etc.*

New factories.

25. (*1*) Every application for permission under section 313 shall be in writing and shall give such information and be accompanied by such plans as may be prescribed by by-laws.

(*2*) The Commissioner may, as soon as may be after the receipt of the application—

(*a*) grant the permission applied for either absolutely or subject to such conditions as he thinks fit to impose, provided the location of such factory, workshop, workplace or bakery is not contrary to any requirement of this Act or any rule, by-law, regulation or standing order, or

(*b*) refuse to give such permission if he shall be of opinion that the establishment of such factory, workshop, workplace or bakery in the proposed position is objectionable by reason of the density of the population in the neighbourhood thereof, or will be for any reason a nuisance to the inhabitants of the neighbourhood.

(*3*) If any written permission for the establishment of a factory, workshop, workplace or bakery granted under sub-rule (2) be revoked by the Commissioner in the exercise of his power under sub-section (*3*) of section 386, no person shall continue or resume the working or use of such factory, workshop, workplace or bakery until such written permission is renewed or a fresh written permission is granted by the Commissioner.

Furnaces used in trade or manufacture to consume their own smoke.

26. (*1*) The Commissioner may by public notice direct that every furnace employed or to be employed for the purpose of any trade or manufacture shall be so constructed, supplemented or altered as to consume its own smoke as far as may be practicable.

(2) No person shall after such direction—

(*a*) use or permit to be used any furnace employed for the purpose of any trade or manufacture, which does not, so far as practicable, consume its own smoke; or

(*b*) so negligently use or permit to be used any such furnace as that it shall not, as far as practicable, consume its own smoke.

(3) Nothing in this rule shall be deemed to apply to a locomotive engine used for the purpose of traffic upon any railway or for the repair of streets.

(4) Any person who contravenes the provisions of this rule, whether he be the owner or occupier of the premises in which the furnace is

situated or the agent or some person employed by the owner or occupier for managing the same, shall be punished with fine which may extend, on a first conviction, to one hundred rupees and, on a second or subsequent conviction, to a sum amounting to double the amount of the fine imposed on the last preceding conviction.

Sanitary regulation of factories, etc.

27. (*1*) Whenever it shall appear to the Commissioner—

(*a*) that any factory, work-shop or work-place, or any building or place in which steam, water, electrical or mechanical power is employed or any bakery is not kept in a cleanly state or is not ventilated in such a manner as to render harmless, as far as practicable, any gas, vapour, soot, dust or other impurity generated in the course of the work carried on therein, which is a nuisance or is so overcrowded while work is carried on as to be dangerous or injurious to the health of the persons employed therein; or

(*b*) that any engine, mill-gearing, hoist or other machinery therein is so fixed or so insecurely fenced as to be dangerous to life or limb, the Commissioner may, by written notice, require the owner of such factory, work-shop, work-place or other building or place or bakery to take such order for putting and maintaining the same in a cleanly state, or for ventilating the same, or for preventing the same from being overcrowded or for preventing danger to life or limb from any engine, mill-gearing, hoist or other machinery therein, as he shall think fit.

(*2*) Nothing in this rule shall be deemed to affect any provision of the Indian Boilers Act, 1923, and nothing in this section which relates to fixing or fencing of any engine, mill-gearing, hoist or other machinery shall apply to any factory to which the provisions of the Factories Act, 1948, are applicable.

Prohibition of use of steam-whistle or steam-trumpet without permission of the Commissioner.

28. (*1*) No person shall, without the written permission of the Commissioner, use or employ in any factory or any other place, any whistle, trumpet, siren or horn, worked by steam, compressed air, electricity or other mechanical means for the purpose of summoning or dismissing workmen or persons employed.

(*2*) The Commissioner may at any time revoke any permission which he has given for the use of any such instrument as aforesaid, on giving one month's notice to the person using the same:

Provided that nothing in sub-rule (2) shall be deemed to require one month's notice to be given by the Commissioner, if he suspends or revokes any such permission for any reason specified in sub-section (*3*) of section 386.

Commissioner may issue directions for abatement of nuisance caused by steam or other power.

29. (*1*) If, in any factory, work-shop, work-place or any building or place in which steam, water, electrical or mechanical power is used, nuisance is in the opinion of the Commissioner caused by the particular kind of fuel used or by the noise or vibration created, or in any other manner, he may issue such directions as he thinks fit for the abatement of the nuisance within a reasonable time to be specified for the purpose.

(2) If there has been wilful default in complying with such directions or if abatement is found impracticable, the Commissioner may—

(a) prohibit the use of the particular kind of fuel ; or

(b) prohibit the working of the factory, work-shop or work-place altogether until such directions have been carried out or between the hours of 6 p.m. and 6 a.m. or during any particular time or times between such hours.

*Prohibition of Corruption of Water by Chemicals, etc.*

Power of inspection.

30. (a) The Commissioner may, after giving not less than twenty-four hours' previous notice in writing to the owner or to the person who has the management or control of any works, pipes, or conduits connected with any such manufacture or trade as is referred to in section 376, lay open and examine the said works, pipes or conduits.

(b) If, upon such examination, it appears that section 314 has been contravened by reason of anything contained in or proceeding from the said works, pipes or conduits, the expenses of such laying open and examination, and of any measure which the Commissioner shall, in his discretion, require to be adopted for the discontinuance of the cause of such contravention, shall be paid by the owner of the said works, pipes or conduits, or by the person who has the management or control thereof or through whose neglect or fault the said section has been contravened.

(c) If it appears that there has been no contravention of the said section, the said expenses and compensation for any damage occasioned by the said laying open and examination shall be paid by the Commissioner.

Power of Commissioner to require owner or occupier of factory, etc., to discontinue the use of such factory.

31. Whenever it shall appear to the Commissioner that any factory, work-shop, work-place or any building or any place in which steam, water or mechanical or electrical power is employed or any bakery is or is likely to become by reason of the employment of such power or by noise or by any gas, vapour, smoke, vibration, dust or other impurity generated in the course of the work carried on in such place or by any other cause, a nuisance or danger to the life, health or property of persons in the neighbourhood he may by written notice require the owner or occupier of such factory, work-shop, work-place, building or place or bakery to discontinue the use thereof for any of the purposes that may be specified in such notice.

Regulation of washing of clothes by washermen and provision of washing places.

32. (1) The Commissioner may, by public notice, prohibit the washing of clothes by washermen in the exercise of their calling, except at such places as he shall appoint for this purpose.

(2) When any such prohibition has been made, neither the owner of the premises shall permit the washing of clothes nor any person who is by calling a washerman shall wash clothes at any place not appointed for this purpose by the Commissioner, except for such person himself or for the owner or occupier of such place.

(3) The Commissioner shall provide suitable places for the exercise by washermen of their calling and may require payment of such fees for the use of any such place as shall from time to time be determined by the Commissioner, with the approval of the Standing Committee.

*Prevention of the spread of dangerous diseases.*

Information to be given of the existence of dangerous disease.

33. (*1*) In the event of any person within the City, other than an in-patient in a public hospital, being attacked with a dangerous disease—

(*a*) every medical practitioner or person openly and usually practising the medical profession, who in the course of such practice becomes cognizant of the fact, and

(*b*) the occupier of the building in which the person so attacked may be residing or, if the occupier is himself the person attacked, then every adult member of the household, and

(*c*) every person in charge of or in attendance on any person so attacked,

shall, as soon as he becomes cognizant of the fact, forthwith report the same, or cause a report thereof to be made to the Medical Officer of Health:

Provided that no person shall be bound to make such report or to cause such report to be made, if such report has been so made.

Information to be given of animal suffering from a contagious or infectious disease.

(*2*) The owner or person in whose custody any animal may be which is suffering from an infectious or contagious disease shall, as soon as he becomes cognizant of the fact, report the same, or cause a report thereof to be made, to the Medical Officer of Health:

Provided that no person shall be bound to make such report or so cause such report to be made, if such report has been so made.

Prohibition of use for drinking of water likely to cause dangerous disease.

34. (*1*) If it shall appear to the Commissioner that the water in any well, tank or other place is likely to endanger or cause the spread of any dangerous disease, he may, by public notice, prohibit the removal or use of the said water.

(2) No person shall remove or use any water in respect of which any such public notice has been issued.

Power to order removal to hospital.

35. (*1*) The Commissioner or any police officer empowered by him in this behalf may, on a certificate signed by the Medical Officer of Health or by any duly qualified medical practitioner, direct or cause the removal of any person who is suffering from a dangerous disease and who is, in the opinion of such Medical Officer of Health or other medical practitioner, without proper lodging or accommodation, or is lodged in a building occupied by more than one family, or whose circumstances are such that proper precautions to prevent the spread of infection cannot be taken or that such precautions are not being taken, to any hospital or place at which patients suffering from the said disease are received for medical treatment.

(*2*) The person, if any, who has charge of a person in respect of whom an order is made under sub-rule (1) shall obey such order.

(*3*) No person who is removed to a hospital or place under sub-rule (1) shall leave, or be removed from, such hospital or place except with the permission of the officer in charge thereof.

Power to order detention in hospital of infected person without proper lodging to return to.

36. (*1*) Where a magistrate, not being a magistrate of the third class, is satisfied, on the application of the Medical Officer of Health that the inmate of a public hospital who is suffering from a dangerous disease would not, on leaving the hospital, be provided with lodging or accommodation in which proper precautions could be taken to prevent the spread of the disease by him, the magistrate may order him to be detained in the hospital at the cost of the Corporation.

(2) An order made under sub-section (1) may direct detention for a period specified in the order, but the magistrate may extend a period so specified as often as it appears to him to be necessary so to do.

(3) Any person who leaves a hospital contrary to an order under sub-rule (1) may, in addition to any penalty which may be imposed for such contravention, be ordered by the Court to be taken back to the hospital.

(4) An order under this rule may be directed, in the case of an order for a person's detention, to the officer in charge of the hospital and, in the case of an order made under sub-rule (3), to the Medical Officer of Health and the officer in charge of the hospital or institution, and the Medical Officer of Health may do, or authorise, all acts necessary for giving effect to the order.

Disinfection of buildings.

37. If the Commissioner is of opinion that the cleansing or disinfecting of a building, or of a part of a building or of any article therein likely to retain infection, would tend to prevent or check the spread of any dangerous disease, he may cause such building or part thereof or article therein to be cleansed or disinfected at the charge of the Municipal Fund and may cause such building to be vacated for such period as he deems necessary for such purpose :

Provided that, if in the opinion of the Commissioner, the owner or occupier is able effectually to carry out such cleansing or disinfection, the Commissioner may cause the said building or part of the building or article likely to retain infection to be cleansed or disinfected by and at the charge of the owner or occupier thereof.

Place for disinfection may be provided.

38. (1) The Commissioner may provide a place, with all necessary apparatus and attendance, for the disinfection of clothing, bedding or other articles which have become infected, and in his discretion may have articles brought to such place for disinfection, disinfected on payment of such fees as he shall from time to time fix, with the approval of the Standing Committee, in this behalf or in any case in which he thinks fit, free of charge.

Also for washing infected articles.

(2) The Commissioner may, from time to time, by public notice appoint a place at which clothing, bedding or other articles which have been exposed to infection from any dangerous disease may be washed ; and no person shall wash any such articles at any place not so appointed without having previously disinfected the same.

Exposure of persons and articles liable to convey dangerous disease prohibited.

39. (1) No person knowing that he is suffering from a dangerous disease shall expose other persons to the risk of infection by his presence or conduct in any street, public place, place of entertainment or assembly, school, club, place of religious worship, hotel, inn, *dharamshala*, lodging house, eating house, factory, shop, market or other place of public resort.

(2) No person having the care of a person whom he knows to be suffering from a dangerous disease, shall cause or permit that person to expose other persons to the risk of infection by his presence or conduct in any such place as aforesaid.

(3) No person shall give, lend, sell, transmit or expose without previous disinfection any clothing, bedding or rags which he knows to have been exposed to infection from any such disease, or any other article which he knows to have been so exposed and which is liable to carry such infection :

Provided that a person shall not incur any liability under this rule by transmitting with proper precautions any article for the purpose of having it disinfected.

(*4*) No person shall place or cause to be placed in a dustbin or other receptacle for the deposit of refuse any matter which he knows to have been exposed to infection from a dangerous disease and which has not been disinfected.

**Person suffering from dangerous disease not to carry on occupation of danger.**

40. No person knowing that he is suffering from a dangerous disease shall engage in or carry on any trade, business or occupation which he cannot engage in or carry on without risk of spreading the disease.

*Explanation.*—For the purposes of this rule, making, carrying or offering for sale or taking part in the business of making, carrying or offering for sale any article of food or drink for human consumption and any other trade, business or occupation which may from time to time be specified by public notice by the Medical Officer of Health shall be deemed to be a trade, occupation or business in which a person suffering from a dangerous disease cannot engage in or carry on without risk of spreading the disease.

**Conveyances for persons suffering from a dangerous disease.**

41. The Commissioner may provide and maintain a suitable conveyance or suitable conveyances for the free carriage of persons suffering from a dangerous disease and, when such provision is made, may by public notice prohibit the conveyance of such persons in all or any public conveyances.

**Provisions as to use of public conveyance by persons suffering from dangerous disease.**

42. (*1*) No person who knows that he is suffering from a dangerous disease shall—

(*a*) enter any public conveyance used for the conveyance of persons at separate fares; or

(*b*) where no notice has been issued by the Commissioner under rule 41 enter any other public conveyance without previously notifying the owner or driver thereof that he is so suffering.

(*2*) No person having the care of a person whom he knows to be suffering from a dangerous disease shall permit that person to be carried—

(*a*) in any public conveyance used for the conveyance of persons at separate fares; or

(*b*) where no notice has been issued by the Commissioner under rule 41 in any other public conveyance without previously informing the owner or driver thereof that that person is so suffering.

(*3*) A person who contravenes any of the provisions of this rule shall, in addition to any other penalty to which he may be subject, be ordered by the Court to pay to any person concerned with the conveyance as owner, driver or conductor thereof a sum sufficient to cover any loss and expense incurred by him in connection with the disinfection of the conveyance.

**Duty of owner etc., of public conveyance in regard to cases of dangerous disease.**

43. (*1*) The owner, driver or conductor of a public conveyance used for the conveyance of passengers at separate fares, shall not convey therein a person whom he knows to be suffering from a dangerous disease.

(*2*) The owner or driver of any other public conveyance, notwithstanding that no notice has been issued by the Commissioner under rule 41, may refuse to convey therein any person suffering from a dangerous disease untill he has been paid a sum sufficient to cover any loss and expense which will be incurred by him in connection with the disinfection of the conveyance.

(*3*) If a person suffering from a dangerous disease is conveyed in a public conveyance, the person in charge thereof shall, as soon as practicable and before permitting any other person to enter the conveyance, cause the conveyance to be disinfected.

Provision as to the letting of houses or rooms in hotel after recent case of dangerous disease.

44. (*1*) No person who—

(*a*) is concerned in the letting of a house or part of a house, or in showing a house or part of a house with a view to its being let; or

(*b*) has recently ceased to occupy a house or part of a house,

shall if questioned by any person negotiating for the hire of the house, or any part thereof, as to whether there is, or has been within the preceding six weeks, in any part of the house a person suffering from a dangerous disease, knowingly make a false answer to that question.

(*2*) No person shall let any house or part of a house in which a person has to his knowledge been suffering from a dangerous disease without having the house, and all articles therein liable to retain infection, disinfected to the satisfaction of the Medical Officer of Health or of some other registered medical practitioner, as testified by a certificate signed by him.

(*3*) No owner or manager of a hotel, lodging house, *serai* or *dharamshala*, shall allow a room therein in which any person has to his knowledge been suffering from a dangerous disease to be occupied by any other person before the room and all articles therein liable to retain infection have been disinfected to the satisfaction of the Medical Officer of Health or of some other registered medical practitioner, as testified by a certificate signed by him.

Child liable to convey dangerous disease may be ordered not to attend school.

45. A person having the care of a child who is, or who has been, suffering from, or has been exposed to infection of, a dangerous disease, shall not, after receiving notice from the Medical Officer of Health that the child is not to be sent to school, permit the child to attend school, until he has obtained from the Medical Officer of Health a certificate, for which no charge shall be made, that in his opinion the child may attend school without undue risk of communicating the disease to others.

Infected clothes not to be sent to laundry, etc.

46. (*1*) A person shall not send or take to any washerman or to any laundry or place set apart for the exercise by washermen of their calling or to any public water-course, tank or well for the purposes of being washed, or to any place for the purpose of being cleaned, any article which he knows to have been exposed to infection from a dangerous disease unless that article has been disinfected by, or to the satisfaction of, the Medical Officer of Health or a registered medical practitioner or is sent with proper precautions to a laundry for the purpose of disinfection, with notice that it has been exposed to infection.

(*2*) The occupier of any building in which a person is suffering from a dangerous disease shall, if required by the Medical Officer of Health, furnish to him the address of any washerman to whom or any laundry or other place to which articles from the house have been, or will be, sent during the continuance of the disease for the purpose of being washed or cleaned.

Power to prohibit home work on premises where dangerous disease exists.

47. (*1*) If a case of a dangerous disease occurs in any place then, whether the person suffering from the disease has been removed from the place or not the Medical Officer of Health may make an order forbidding any work to which this rule applies to be given out to any person living or working in that place or in such part thereof as may be specified in the order, and any order so made may be served on the occupier of any factory or other place from which it is given out, or on any contractor employed by any such occupier.

(*2*) An order under sub-rule (1) may be expressed to operate for a specified time or until the place or any part thereof specified in the order have been disinfected to the satisfaction of the Medical Officer of Health, or may be expressed to be inoperative so long as any other reasonable precautions specified in the order are taken.

(*3*) This rule applies to the making, cleansing, washing, altering, ornamenting, finishing or repairing of wearing apparel and any work incidental thereto, and to such other classes of work as may from time to time by public notice be specified by the Commissioner.

Provisions as to library books.

48. (*1*) A person who knows that he is suffering from a dangerous disease shall not take any book, or cause any book to be taken for his use, or use any book taken from any public or circulating library.

(*2*) A person shall not permit any book which has been taken from a public or circulating library, and is under his control, to be used by any person whom he knows to be suffering from a dangerous disease.

(*3*) If a book taken from a public or circulating library is to the knowledge of the person who has so taken it exposed to infection from a dangerous disease, he shall not return the book to the library but shall give notice to the person in charge thereof that it has been so exposed to infection.

(*4*) On receiving a notice under sub-rule (3) the person in charge of the library shall cause the book to be disinfected and returned to the library or shall cause it to be destroyed.

Person ceasing to occupy house to disclose to owner any recent case of dangerous disease and to disinfect.

49. (*1*) Every person who ceases to occupy a house or part of a house in which to his knowledge a person has within six weeks previously been suffering from a dangerous disease shall—

(*a*) have the house, or the part of the house, and all articles therein liable to retain infection disinfected to the satisfaction of the Medical Officer of Health or some other registered medical practitioner, as testified by a certificate signed by him;

(*b*) give to the owner of the house or the part of the house, notice of the previous existence of the disease ; and

(*c*) on being questioned by the owner as to whether within the preceding six weeks there has been therein any person suffering from any dangerous disease, give a true and correct answer to such question.

(2) The Medical Officer of Health shall give notice of the provisions of this rule to the occupier and also to the owner of any house in which he is aware that there is a person suffering from a dangerous disease.

Avoidance of contact with body of person who suffered from dangerous disease.

50. Every person having the charge or control of any place in which is lying the body of a person who has died while suffering from a dangerous disease shall take such steps as may be reasonably practicable to prevent persons coming unnecessarily into contact with, or proximity to, the body.

Disposal of dead bodies in certain cases.

51. (*1*) No person shall, without the written sanction of the Medical Officer of Health, retain in any place, other than a public mortuary, for more than twelve hours the body of any person who has died while suffering from a dangerous disease.

(2) If any such body, not being a body kept in a public mortuary, remains undisposed of for more than twelve hours without sanction as aforesaid or if the dead body of any person is retained in any building so as to endanger the health of the inmates thereof or of an adjoining or neighbouring building, a magistrate may, on the application of the Commissioner, order the body to be removed and disposed of within a specified time and, on such order being made, unless the relatives or friends of the deceased person undertake to, and do, cause the body to be disposed of within the time specified in the order, the Commissioner

shall cause the body to be disposed of. Any expenses reasonably incurred by the Commissioner in so doing shall be paid by any person legally liable to pay the expenses of the disposal of the body unless the Commissioner waives recovery on the ground of poverty.

Restriction in certain cases on removal of persons dying in hospital.

52. (*1*) If any person dies in a hospital or other place appointed for the accommodation of the sick, while suffering from a dangerous disease, and the Medical Officer of Health or some other registered medical practitioner certifies that in his opinion it is desirable, in order to prevent the spread of infection, that the body should not be removed from the hospital or place except for the purpose of being taken direct to a mortuary or to a place set apart for the disposal of the dead, it shall not be lawful for any person to remove the body from the hospital or place except for such a purpose.

(*2*) In such case as aforesaid, when the body is removed for the purpose of disposal from the hospital or other place or any mortuary to which it has been taken, it shall forthwith be taken direct to some place set apart for the disposal of the dead and there disposed of.

*Special measures to check outbreak of dangerous diseases.*

Special Measures.

53. (*1*) The special measures to be taken and temporary regulations to be made by the Commissioner under section 319 may include any of the following matters namely:—

(*a*) the evacuation of an infected building used as a dwelling or of any part thereof by the person or persons residing whether habitually or temporarily therein, provided sufficient accommodation for all persons affected is available, or is proved elsewhere ;

(*b*) compulsory vaccination or preventive inoculation of persons entering, residing in, or leaving specified areas;

(*c*) the examination by a medical officer of persons and, if necessary, the disinfection of the clothing, bedding or other articles suspected of being infected belonging to persons either arriving from outside a specified area or residing in any building adjacent to any infected building in that area, the recording of the addresses of such persons, and the daily presentation of such persons for medical examination at a specified time and place, for a period not exceeding ten days;

(*d*) the prohibition either generally, or by special order in any individual case, of assemblages consisting of any number of persons exceeding fifty, in any place, whether public or private, or in any circumstances ; or for any purpose ;

(*e*) the closure for a period to be specified of any theatre, cinema-house or other place of entertainment;

(*f*) the closure, by a written notice to the authorities in charge of a school, of such school for such period as is specified in the notice;

(*g*) restrictions on the movements of persons exposed to infection from a dangerous disease or likely to infect other persons with any such disease;

(*h*) restrictions on the export from, or import into, or transport within a specified area of any goods or articles exposed to, and likely to retain, infection from a dangerous disease or likely to infect persons with any such disease, or the destruction of any such goods or articles ;

(*i*) the examination, unloading and disinfection, if necessary, at any place within or outside the City, of any consignment of grain or other foodstuffs, cotton or clothing exported from, or imported into, the City by road or rail;

(*j*) closure of all or any existing markets and bazaars and appointment of special places where markets or bazaars may be held.

(2) When any regulation is in force, requiring compulsory vaccination or inoculation, any person who, or child in whose care, is sought to be vaccinated or inoculated in pursuance of the regulation may declare before a magistrate exercising not less than second class powers that he believes that such vaccination or inoculation will be injurious to his health or the health of the child, as the case may be, and the magistrate may, after giving notice to the Medical Officer of Health and after hearing any representation made by him or on his behalf, exempt such person or child from vaccination or inoculation on condition that the person aforesaid and the members of his family submit to isolation of such description and for such period and to such further restrictions, if any, as may be directed by the magistrate.

(3) The Commissioner may in his discretion give compensation to any person who sustains substantial loss by the destruction of any property under any provision of or any regulation made in accordance with this rule, but, except as allowed by the Commissioner, no claim for compensation shall lie for any loss or damage caused by the exercise of the powers specified therein.

## CHAPTER XV.

### MARKETS AND SLAUGHTER HOUSES.

**Provisions regarding approaches and environs of private markets.**

1. (*1*) The Commissioner may—

(*a*) define or determine the limits of any private market or declare what portions of such market shall be made part of the existing approaches, streets, passes and ways to and in such market; and

(*b*) after hearing the owner or occupier of such market, by written notice require such owner or occupier to—

(i) lay out, construct, alter, clear, widen, pave, drain and light, to the satisfaction of the Commissioner, such approaches, streets, passages and ways to or in such market;

(ii) provide such conveniences for the use of persons resorting to such market; and

(iii) provide adequate ventilation and lighting of the market-building, or any portion thereof, including shops and stalls, as the Commissioner may think fit.

(2) The Commissioner may, by written notice, require such owner or occupier to maintain in proper order the approaches, streets, passages and ways to and in such market and such other conveniences as are provided for the use of persons resorting thereto.

**Provisions for requiring private market-buildings and slaughter-houses to be properly paved and drained**

2. The Commissioner may, by a written notice, require the owner, farmer or occupier of any private market or slaughter-house, to cause—

(*a*) the whole or any portion of the floor of the market building, market place or slaughter-house to be raised or paved with dressed stone or other suitable material;

(*b*) such drains to be made in or from the market-building, market-place or slaughter-house, of such material, size and description, at such level and with such outfall, as to the Commissioner may appear necessary;

(*c*) a supply of water to be provided for keeping such market-building, market-place or slaughter-house in a clean and wholesome state;

(*d*) any shop, stall, shed, standing or other structure, in any private market to be altered or improved, in such manner as the Commissioner may consider necessary;

(*e*) any privy, water-closet or urinal or any other sanitary arrangement to be constructed or made at such site and in such manner as the Commissioner may deem necessary and expedient; and

(*f*) any other measures to be taken necessary, in his opinion, in the interest of public health or sanitation.

## CHAPTER XVI.

### TRANSPORT UNDERTAKING.

*Fares and Charges.*

Exhibition of list of fares and charges.

1. A printed list of all the fares and charges levied for the time being in such language or languages as the Corporation may from time to time specify in this behalf shall be exhibited in a conspicuous place inside each vehicle used by the Transport Undertaking for the conveyance of the public.

2. The fares and charges shall be paid to such persons, at such places upon or near the prescribed route of the transport service, and in such manner and under such regulations, as the Transport Committee shall, by notice to be annexed to the list of fares, prescribe.

## CHAPTER XVII.

### VITAL STATISTICS.

*Forms of Certificate of Death.*

Forms to be provided.

For the purpose of section 369 the Commissioner shall provide printed forms of the certificates of death and any duly qualified medical practitioner resident in the City shall be supplied, on application, with such forms free of charge.

## CHAPTER XVIII.

### ARTICLES FOR KEEPING WHICH AND TRADES AND OCCUPATIONS FOR WHICH LICENCES ARE NEEDED.

### PART I.

*Articles which shall not be kept without a licence in or upon any premises.*

Dynamite
Blasting powder
Fulminate of mercury
Gun-cotton
Nitro-glycerine
Phosphorus

PART II.

*Articles which shall not be kept without a licence, in or upon any premises in quantities exceeding at any one time the maximum quantities hereunder set opposite such article respectively :—*

| Articles. | Maximum quantity which may be kept at any one time without a licence. |
|---|---|
| Bidi leaves ... ... | 4 cwts. |
| Camphor ... ... | 1/2 cwt. |
| Celluloid ... ... / Celluloid goods ... ... | 4 cwts. |
| Cinematograph films ... ... | 20 lbs. |
| Copra ... ... | 4 cwts. |
| Cotton refuse and waste ... ... | 4 cwts. |
| Cotton seed ... ... | 12 cwts. |
| Dry leaves (*Patravali*, etc.) ... ... | 4 cwts. |
| Gun-powder ... ... | 5 lbs. |
| Matches for lighting ... ... | 5 gross boxes. |
| Methylated spirit and Denatured spirit ... | 10 gallons. |
| Paints ... ... | 5 cwts. |
| Old paper (waste) including old newspapers, periodicals, magazines, etc., kept for sale or for other than domestic use ... ... | 4 cwts. |
| Petroleum as defined in the Petroleum Act, 1934. | 10 gallons. |
| Oil (other sorts) ... ... | 20 gallons. |
| " Oil-seeds " other than cotton seed ... | 1 ton. |
| Sulphur ... ... | 1/2 cwt. |
| Tar, pitch, dammer or bitumen ... ... | 1/2 cwt. |
| Turpentine ... ... | 10 gallons. |
| Varnish ... ... | 40 cwts. |

PART III.

*Articles which shall not be kept without a licence for sale or for other than domestic use in or upon any premises irrespective of the quantity kept at any one time or in quantities exceeding at any one time the maximum quantities hereunder set opposite such article respectively :—*

| Articles. | Maximum quantity, if any, which may be kept at any one time without a licence. |
|---|---|
| Bamboos | 10 cwts. |
| Bones | |
| Coconut fibre | |
| Charcoal | |
| Coal | |
| Coke | |
| Fat | |
| Firewood | |
| Fireworks | |
| Fish (dried) | 10 cwts. |
| Grass (dry) | |
| Gunny bags | |
| Hair | |
| Hay and fodder | |
| Hemp | |
| Hessian cloth (Gunny bag cloth) | |
| Hides (dried) | |
| Hides (raw) | |
| Hoofs | |
| Horns | |
| Khokas or wooden boxes or barrels (manufacturing and storing) | |
| Rags | 10 cwts. |
| Skins | |
| Timber | |
| Wool (raw) | 3 cwts. |

PART IV.

*Trades or operations connected with trade which shall not be carried on in or upon any premises without a licence.*

Baking or preparing for human consumption (for other than domestic use) bread, biscuits or other articles made of flour.
Casting metals.
Condiments manufacturing.
Dyeing cloth or yarn, in indigo or other colour.
Electro-plating.
Keeping of eating-houses.
Keeping of sweetmeat shops except in premises already licensed as an eating-house.
Keeping of hair dressing saloons or barbers' shops.
Tanning, pressing or packing hides or skins whether raw or dried.

Manufacturing, packing. pressing, cleaning, cleansing, melting or preparing by any process whatever any of the following articles:—

Aerated water.
Bones.
Bricks or tiles.
Catgut.
Cotton or cotton refuse or cotton seed
Compressed coal.
Dammer.
Dynamite.
Fat.
Fireworks.
Ice, ice candies, ice fruit, or ice cream.
Lime.
Matches for lighting.
Paper.
Rubber goods.
Snuff.
Soap.
Sugar, sugar candy.
Tar.
Vegetable oil.

## CHAPTER XIX.

### PENALTIES.

Certain offences punishable with fine

1. Whoever—

(*a*) contravenes any provision of any of the rules, sub-rules and clauses mentioned in the first column of the following table or any regulation made thereunder; or

(*b*) fails to comply with any requisition lawfully made upon him under any of the said rules, sub-rules or clauses, shall be punished, for each such offence, with fine which may extend to the amount mentioned in that behalf in the second column of the said table.

| Rule, sub-rule or clause. | Fine which may be imposed. |
|---|---|
| *Chapter VIII.* | |
| 1, 2 (2), 5, 25 ... ... ... | Fifty rupees. |
| 29 (1), 29 (2) ... ... ... | One hundred rupees. |
| *Chapter IX.* | |
| 2 (3), 2 (4), 4, 9 (2), 11 (1), 14 (1), 15, 17 (1), 18, 19 (2), 19 (3). | Fifty rupees. |
| 1 (1), 2 (1), 5 (*a*), 6, 10, 17 (2) ... | One hundred rupees. |
| 3, 7 (1), 7 (2), 8, 12, 13, 16, 19 (1), 19 (4) ... | Two hundred rupees. |

| Rule, sub-rule or clause. | Fine which may be imposed. |
|---|---|
| *Chapter X.* | |
| 3 (1), 6, 7, 11 (2), 18 (2) ... ... | Fifty rupees. |
| 2 (2), 2 (3), 8 (1), 13, 14 ... ... | One hundred rupees. |
| 2 (1), 3 (1), 18 (1) ... ... | Two hundred rupees. |
| *Chapter XI.* | |
| 288 (1) (*e*), 288 (2) ... ... ... | Twenty rupees. |
| *Chapter XII.* | |
| 12 (1), 12 (2), 12 (3) ... ... ... | Ten rupees. |
| 8 (2), 13 ... ... ... | Fifty rupees. |
| 8 (1) ... ... ... | One hundred rupees. |
| 11 ... ... ... | Two hundred rupees. |
| 10 ... ... ... | Five hundred rupees. |
| 6 (1) ... ... ... | One thousand rupees. |
| *Chapter XIV.* | |
| 1, 2, 13 (1), 13 (2), 32 (2). ... | Twenty rupees. |
| 3, 5 (1), 7, 10, 11 (1), 11 (2), 14, 17, 18 (1), 21 (1), 24, 28 (1), 34 (2), 41, 48 (1), 48 (2), 48 (3), 48 (4). | Fifty rupees. |
| 8, 18 (2), 22 (1), 23, 33 (1), 35 (2), 35 (3), 36, 38 (2), 39 (1), 39 (2), 39 (4), 40, 44, 45, 46 (2), 49 (1), 42 (1), 42 (2), 50, 51 (1). | One hundred rupees. |
| 12, 15, 29 (1), 34 (2), 46 (1), 52 (1), 52 (2) ... | Two hundred rupees. |
| 16 (1), 16 (2), 27 (1), 47 | Two hundred and fifty rupees. |
| 20, 29 (2), 31, 39 (3), 43 (1), 43 (3), 44 (2), 44 (3). | Five hundred rupees. |
| 25 (3) ... ... ... | One thousand rupees. |
| *Chapter XV.* | |
| 1 (1) (*b*), 1 (2), 2 ... ... | Two hundred rupees. |

Continuing offences.

2. Whoever, after being convicted of—

(*a*) contravening any provision of any of the rules, sub-rules and clauses mentioned in the first column of the following table or any regulation made thereunder; or

(*b*) failing to comply with any requisition lawfully made upon him under any of the said sections, sub-sections or clauses, continues to contravene the said provisions or to neglect to comply with the said requisition, or fails to remove or rectify any work or thing done in contravention of the said provision, as the case may be, shall be punished, for each day that he continues so to offend, with fine which may extend to the amount mentioned in that behalf in the second column of the said table.

| Rule, sub-rule or clause. | Daily fine which may be imposed. |
|---|---|
| *Chapter IX.* | |
| 2 (3), 2 (4), 4, 9 (2), 11 (1), 14 (1), 15, 17 (1) ... | Five rupees |
| 1 (1), 2 (1), 3, 5 (*a*), 6, 10, 17 (2), 18, 19 (2), 19 (3) ... ... ... | Ten rupees |
| 12, 13 ... ... ... | Twenty rupees |
| 7 (1), 7 (2), 19 (1), 19 (4) ... | Fifty rupees |
| *Chapter X.* | |
| 7, 11 (2), 18 (2) ... ... ... | Five rupees |
| 6, 8 (1) ... ... ... | Ten rupees |
| 18 (1) ... ... ... ... | Fifty rupees |
| *Chapter XI.* | |
| 288 (1) (*e*), 288 (2) (*b*) ... ... | Five rupees |
| *Chapter XII.* | |
| 12 (2), 12 (3) ... ... ... | Five rupees |
| 8 (2), 13 ... ... ... ... | Ten rupees |
| 8 (1) ..... ... ... ... | Twenty rupees |
| 6 (1), 10 ... ... ... ... | One hundred rupees |
| *Chapter XIV.* | |
| 7, 8, 13 (1), 13 (2), 21 (1), 32 (2) ... ... | Five rupees. |
| 1, 2, 3, 5 (1), 8, 14, 17, 18 (1), 28 (1) ... | Ten rupees |
| 11 (1), 11 (2), 15, 22 (1) ... ... | Fifteen rupees |
| 12, 16 (2), 18 (2), 23, 24 ... ... | Twenty rupees. |
| 29 (1), 40, 45, 47 ... ... ... | Fifty rupees |
| 20, 27 (1), 29 (2), 31 ... ... | One hundred rupees |
| 25 (3) ... ... ... | Five hundred rupees |
| *Chapter XV.* | |
| 2 ... ... ... ... | **Fifty rupees.** |

## FORMS.

### FORM A.

(See Chapter I, rule 9.)

*Nomination Paper.*

Name and number of the ward ...
Name of candidate. ...
Father's / Husband's name. ...
Age ...
Address. ...
Ward in the election roll of which the name of the candidate is included.
Number of the candidate in the ward election roll. ...
Community and caste (only to be filled in by Harijan candidate when election includes seat reserved for Harijans).
Name of the proposer. ...
Number of the proposer in the election roll of the ward.
Signature of the proposer. ...
Name of the seconder. ...
Number of the seconder in the election roll of the ward.
Signature of the seconder. ...

*Declaration by candidate.*

I hereby declare that I agree to this nomination.

Date

(Signature of candidate.)

*(To be filled in by the Commissioner.)*

*Certificate of Delivery.*

Serial No.

This nomination paper was delivered to me at my office at (date and hour ).

(Signature of the Commissioner.)

FORM B.

(*See* Chapter I, rule 25.)

FORM OF BALLOT PAPER.

*Form of Front of Ballot Paper.*

Counterfoil

Serial No.

Outerfoil

Front

| Ward.. ..... | Name and Symbol of Candidate. | Cross. |
|---|---|---|
| Name or number of polling station..... | | |
| Number of elector on election roll..... | | |
| Signature or thumb-impression of elector..... | | |

*Note.*—It is considered important that the whole of the outerfoil of the ballot paper should be taken up by the cage containing the names and symbols of candidates and spaces for recording votes.

Back of Outerfoil.

*Instructions.*

1. You have vote(s).

2. The vote is to be shown by a cross mark (×). Each mark means one vote.

3. Do not put more than one cross against the name of any one candidate.

4. Do not put more than cross(es) in all on the paper.

Serial No,

FORM C.

(*See* Chapter I, rule 26.)

TENDERED VOTES LIST.

*Polling Station.*

| Name of ward. | Name of elector. | Number on election roll. | Number of votes recorded. | Signature or thumb-impression of elector. |
|---|---|---|---|---|
| | | | | |

FORM D.

(*See* Chapter I, rule 27.)

*List of Challenged Votes.*

Signature Sheet No.

| Number on election roll. | Name. | Signature of elector, if literate, or thumb-impression of elector, if illiterate. | Name of identifier, if any. |
|---|---|---|---|
| | | | |

*Order of Presiding Officer* (in each case).

FORM E.

(*See* Chapter I, rule 29.)

*Certificate entitling a presiding officer, polling officer or polling agent to vote at the polling station where he is appointed for duty.*

A B being duly registered as elector No. on the election roll of the Ward and being duly appointed for duty as presiding officer / polling officer / polling agent at polling station is entitled to record his vote at polling station

Dated

Municipal Commissioner for the City of

## FORM F.

(*See* Chapter I, rule 31.)

*Form of Statement to Accompany Returns of Presiding Officers.*

Name of ward

Name of Polling Station

| Total number of electors for the polling station as shown on election roll. | Total number of ballot papers entrusted to presiding officer. | Total number of ballot papers used. | Account of used ballot papers. | | | Balance that should be in ballot box. | Number of unused ballot papers. | Number of ballot boxes used. |
|---|---|---|---|---|---|---|---|---|
| | | | Used for the votes of polling and presiding officers and polling agents entitled to vote at another polling station (rule 29). | Tendered ballot papers (rule 26). | Spoilt ballot papers (rule 28). | | | |
| 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 |

*Column* 1.—Give total of the names on the election roll for your polling station.
*Column* 2.—Give total number of ballot papers received by you from the Commissioner.
*Column* 3.—Count the counterfoils of the issued ballot papers and enter that number.
*Column* 4.—Total of the counterfoils of ballot papers used by the presiding and polling officers and polling agents entitled to vote at another polling station.
*Column* 5.—Total of the counterfoils of tendered votes; these counterfoils will be blank; the total in form C must tally with this total.
*Column* 6.—Total of the counterfoils marked cancelled (rule 28) checked with the total number of spoilt ballot papers with the presiding officer.
*Column* 7.—Deduct from total in column 3 the sum of the totals in columns 4, 5 and 6.
*Column* 8.—Count unused ballot papers and enter this total.

FORM G.

(*See* Chapter VIII, rule 41.)

*Form of Notice of Demand.*

To

A. B.

residing at

Take notice that the Municipal Commissioner for the City of demands from (*you*) the sum of due from (*you*) on account of (*here describe the premises, vehicle, animal, occupation or thing on account of which the tax is leviable*) for the half-year (*or* quarter) commencing (*or* ending) on the day of 19 ; and that if the said sum is not paid into the municipal office at , or if sufficient cause for non-payment of the sum is not shown to the satisfaction of the Commissioner within fifteen days from the service of this notice, a warrant of distress or attachment will be issued for the recovery of the same, with costs.

Dated this day of 19 ;

(Signed)

Municipal Commissioner for the City of

FORM H.

(*See* Chapter VIII, rule 42.)

*Form of Warrant of Distress or Attachment.*

To (here insert the name of the officer charged with the execution of the Warrant).

Whereas A. B., of , has not paid, or shown sufficient cause to my satisfaction for the non-payment of, the sum of due for the tax* mentioned in the margin for the half-year (*or* quarter) commencing (*or* terminating) on the day of 19 ; although the said sum has been duly demanded in writing from the said A. B., and fifteen days have elapsed since the service of the notice of demand;

*Here describe the tax

This is to command you to distrain / attach the moveable property / any property of the said A. B. (or, as the case may be, any moveable property on the premises in respect of which the said tax is due) to the amount of the said sum of , and such further sum as may be sufficient to defray the cost of recovering the said amount; and forthwith to certify to me together with this warrant all particulars of the moveable property distrained / property attached by you thereunder.

Dated this day of 19

(Signed)

Municipal Commissioner for the City of

FORM I.

(*See* Chapter VIII, rules 46 and 49.)

To

A. B.

residing at

Take notice that I have this day seized the moveable property specified in the inventory beneath this, for the sum of due for the tax mentioned in the margin* for the half-year (*or* quarter) commencing (*or* terminating) on the day of 19 ; and that unless you pay into the municipal office at the amount due, together with the costs of recovery, within five days from the day of the date of this notice, the moveable property will be sold.

* Here describe the tax.

Dated this day of 19 .

(Signature of the officer executing the warrant.)

*Inventory.*

(Here state particulars of the moveable property seized.)